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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

REDESIGNATION OF SECTIONS

In Federal Register Document 50-1858, appearing at page 1235 of the issue for Wednesday, March 8, 1950, the first sentence should read: "Subpart B is redesignated as Subpart E and §§ 25.101 to 25.143 are redesignated §§ 25.501 to 25.543, and a new Subpart B is added as set out below."

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

PROMOTION, REASSIGNMENT AND TRANSFER

Effective upon publication in the FEDERAL REGISTER, § 34.5 (a) is amended as set out below. As amended, § 34.5 will read as follows:

§ 34.5 *Promotion, reassignment, and transfer*—(a) *From a hearing examiner position.* Promotions, reassignments and transfers from one hearing examiner position to another hearing examiner position shall be made in accordance with Part 8 of this chapter: *Provided,* That the prior approval of the Commission shall be secured before a promotion, reassignment or transfer is effected. Approval of the promotion, reassignment, or transfer will be effective retroactively to the date on which the conditional promotion, reassignment, or transfer was made to the grade for which absolute appointment is authorized.

(b) *From a position other than a hearing examiner position.* (1) When an agency desires to fill a vacancy in a hearing examiner position by the promotion, reassignment, or transfer of an employee who has a competitive status and is serving in a position other than a hearing examiner position, it shall submit the name of the person to the Commission, together with an application form executed by him. The Commission will rate the qualifications of the applicant in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), including an investigation of character and suitability and an oral interview. The name of the person proposed will be entered on the open competitive register in accordance with the rating received. If his name is then within reach for certification, the Commission will approve the promotion, reassignment, or transfer; otherwise it will disapprove the request.

(2) An employee without competitive status, serving in a position other than a hearing examiner position, may be appointed to a hearing examiner position only after competition in the open competitive examination and upon certification by the Commission from the open competitive register.

(c) *Details.* Employees serving in positions other than hearing examiner positions may not be detailed to hearing examiner positions. Details from one hearing examiner position to another hearing examiner position in a higher grade may be made only after the prior written approval of the Commission has been secured.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-1931; Filed, Mar. 9, 1950; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS IN PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal

(Continued on p. 1297)

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FEDERAL REGISTER

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

PENNSYLVANIA

County	Average value	Investment limit
Union	$11,500	$11,500

(Sec. 41, 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 6th day of March 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1929; Filed, Mar. 9, 1950; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS IN PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient faimly-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Pennsylvania.

PENNSYLVANIA

County	Average value	Investment limit
Delaware	$15,000	$12,000

(Sec. 41, 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 6th day of March 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1930; Filed, Mar. 9, 1950; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—General Provisions

PART 90—BOARD OF IMMIGRATION APPEALS

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

BOARD OF IMMIRGATION APPEALS, AND ATTORNEYS AND REPRESENTATIVES

MARCH 6, 1950.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 90—BOARD OF IMMIGRATION APPEALS

Paragraph (b) § 90.11, *Board of Immigration Appeals; transmittal of Board decisions; reconsideration or reopening of case after Board decision*, is amended by deleting from the first sentence the parenthetical phrase reading as follows: (except as provided in § 150.11b of this chapter)

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 37, 327, 54 Stat. 675, 1150; 5 U. S. C. 22, 311, 8 U. S. C. 102, 222, 458, 727)

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

1. The headnote of § 95.6 is amended to read as follows: *"Appearances; availability of record."*

2. Paragraph (b) of § 95.6 is amended to read as follows:

(b) During the time a case is pending, the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered upon final disposition of the case. If the attorney or representative desires to purchase a copy of the record in a case arising under Parts 150, 151 and 152 of this chapter, he may do so upon payment of the fees prescribed in Part 383 of this chapter.

(R. S. 161, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 5 U. S. C. 22, 8 U. S. C. 102, 222, 458)

This order shall become effective on the effective date of an order[1] entitled "Amendments relating to arrest and deportation procedure," amending Part 150 of Chapter I, Title 8 of the Code of Federal Regulations, and adding new Parts 151 and 152 to that chapter. That order becomes effective on the date of its publication in the FEDERAL REGISTER because compliance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable as the due and timely functions of the Immigration and Naturalization Service with respect to the conduct of deportation hearings would be impeded and public interest would not be served by notice and delayed effective date. Compliance with the provisions of section 4 of the Administrative Procedure Act with respect to proposed rule making and delayed effective date is impracticable with regard to this order because the regulations prescribed hereby are so related to the regulations prescribed by the above-mentioned order that all such regulations must become effective at the same time.

[SEAL] WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: March 8, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-1992; Filed, Mar. 9, 1950; 8:56 a. m.]

Subchapter B—Immigration Regulations

PART 150—DEPORTATION PROCEEDINGS: INVESTIGATION AND ARREST

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

PART 152—DEPORTATION PROCEEDINGS: ACTION SUBSEQUENT TO ADJUDICATION

ARREST AND DEPORTATION PROCEDURE

MARCH 6, 1950.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby priscribed:

[1] See F. R. Doc. 50-1993, *infra*.

PART 150—DEPORTATION PROCEEDINGS: INVESTIGATION AND ARREST

Part 150 is amended to read as follows:

Sec.
150.1 Investigations.
150.2 Applications for warrants of arrest.
150.3 Voluntary departure permitted by officers in charge.
150.4 Issuance of warrants of arrest.
150.5 Execution of warrants of arrest.
150.6 Custody of arrested aliens.
150.7 Application, prior to hearing, for suspension of deportation.

AUTHORITY: §§ 150.1 to 150.7 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 19, 20, 39 Stat. 889, 890, sec. 14, 43 Stat. 162, 54 Stat. 671, 56 Stat. 1044, 57 Stat. 553; 8 U. S. C. 155, 156, 214.

§ 150.1 *Investigations*—(a) *Aliens reported, or believed, to be subject to deportation.* The case of every alien reported, or believed, to be subject to arrest and deportation, shall be thoroughly investigated by such officer as may be designated for that purpose.

(b) *Purpose.* The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists; that is, whether there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation.

(c) *Interrogation of aliens under investigation.* All statements secured from the alien or from other persons as witnesses during the investigation, which are to be used as evidence, should be taken down in writing in question and answer form; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such recorded statement is to be obtained from any person, the investigating officer shall (1) identify himself to such person, (2) warn the person that any statement made by him may be used as evidence against him in any subsequent proceeding, and (3) conduct the interrogation under oath or affirmation. In cases in which an alien voluntarily surrenders himself for deportation or voluntarily concedes that he is subject to deportation on the ground that he is in the United States in violation of law such alien's statement may be taken under oath or affirmation in narrative form.

(d) *Refusal to make recorded statement under oath or affirmation.* Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a report in writing to the officer in charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

(e) *Anonymous information.* Information received from a person whose name or address is not disclosed to the investigating officer or is known or appears to be fictitious shall not be used to support an application for a warrant of arrest. Such information shall be used only as a guide to obtaining competent evidence to support the facts alleged.

(f) *Extent of interrogation.* If an alien under investigation, after reasonable questioning, makes no admissions which bring him within a deportable class, interrogation shall cease, and the investigating officer, if he still believes that the alien is subject to deportation, shall attempt to secure from other sources the necessary evidence.

§ 150.2 *Applications for warrants of arrest*—(a) *Submission.* Whenever it is found, after preliminary investigation, that a prima facie case for the deportation of an alien exists, application for a warrant of arrest shall be made. The application shall be in writing, shall set forth the grounds upon which it is made and shall be accompanied by the supporting evidence and, if available, by the alien's registration number under the Alien Registration Act, 1940.

(b) *Verification of landing.* In all cases in which official records of an alien's arrival exist, and in which there is a time limitation as to the institution of deportation proceedings, or in which knowledge of the time, place and manner of the alien's last entry is necessary for a proper determination of the case, the application shall be accompanied by a certificate of admission obtained from the officer in charge at the port where landing occurred. If in such cases a certificate of admission is not promptly procurable, the application for a warrant may be submitted without the certificate of admission, but the reason therefor shall be reported and the certificate forwarded as soon as obtained.

(c) *Criminal cases.* Wherever an application for a warrant of arrest is based on conviction for crime in the United States, it shall be accompanied by a certified copy of the record of conviction and sentence and, if it is deemed necessary in order to establish that the crime involves moral turpitude, by a certified copy of the information, indictment or complaint, upon which the alien was convicted.

(d) *Public charge cases.* Whenever an application for a warrant of arrest includes the charge that the alien has become a public charge within five years from the date of entry from causes not affirmatively shown to have arisen subsequent thereto, the application shall be accompanied by a certificate of the official in charge of the institution in which the alien is or has been confined, or if the alien is not or has not been confined, by the certificate of a responsible public official having knowledge of the facts, showing that the alien is being or has been maintained at public expense. If the alien becomes a public charge because of a mental or physical condition, there shall also be submitted, if available, a clinical history of the case prepared by the institution where the alien is or has been confined.

(e) *Telegraphic applications.* A telegraphic application for a warrant of arrest shall be resorted to only when there is likelihood that the alien will leave for parts unknown before a formal warrant can be obtained or when necessary to avoid undue delay, as when the alien is found and the investigation is conducted at a considerable distance from the nearest immigration office. Such telegraphic application shall state the name of the alien, the grounds for deportation charged, the date and place of the alien's entry and enough of the supporting proof to enable the officer in charge of the appropriate district to exercise a judgment as to probable cause for the issuance of a warrant. The code supplied by the Central Office shall be used whenever practicable.

§ 150.3 *Voluntary departure permitted by officers in charge.* Notwithstanding any other provisions of this part, the officer in charge of a district or suboffice may, prior to the issuance or service of a warrant of arrest, permit an alien to depart from the United States to any country of his choice at his own expense: *Provided*, (a) That the alien is willing and able to depart promptly from the United States, (b) that he will apparently be admitted to the country of destination, (c) that the prompt departure of the alien will be advantageous to the Government, and (d) that the alien is not subject to deportation upon any ground set forth in section 19 (d) of the Immigration Act of February 5, 1917, as amended.

§ 150.4 *Issuance of warrants of arrest.* (a) If it is determined that a prima facie case for deportation has been established and that the alien should not be granted the benefits of § 150.3, a warrant of arrest shall be issued by the officer in charge of the appropriate district. In any case in which the officer in charge of a district is in doubt as to whether the supporting evidence establishes a prima facie case for deportation or in which the alien is believed to be deportable under the provisions of the act of October 16, 1918, as amended (40 Stat. 1012, 41 Stat. 1008–9, 54 Stat. 673, 62 Stat. 268 (Pub. Law 552, 80th Cong.); 8 U. S. C. 137), a full report of the case shall be submitted to the Commissioner together with the available evidence before the issuance of a warrant of arrest. The Commissioner shall advise the officer in charge of the district whether a prima facie case of deportability has been established.

(b) Warrants of arrest may, where necessary, be transmitted by telegraph, such telegraphic warrant to be followed by the formal warrant of arrest.

§ 150.5 *Execution of warrants of arrest*—(a) *Service upon alien.* Upon receipt of a telegraphic or formal warrant of arrest, the warrant shall be served upon the alien, and he shall be taken into custody thereunder and fully advised of the cause of his arrest. Copy of the formal warrant of arrest, if arrest is accomplished thereunder, shall be furnished to

the alien. When the arrest is accomplished under a telegraphic warrant, the alien shall be fully advised of the cause for his arrest, given a decoded copy of the warrant of arrest, and furnished with a copy of the formal warrant of arrest as soon as received. If the alien is confined in a penal institution, a copy of the formal warrant shall be filed with the officer in charge of the institution. In cases of mental incompetency, or of children under 16 years of age, a copy of the warrant shall be served upon the alien's guardian, near relative, or friend whenever possible.

(b) *Notice to alien of right of counsel and release under bond.* The alien, immediately upon being taken into custody, shall be advised of his right to representation by counsel at the hearing to be held under the warrant and of the amount of bail under which he may be released from custody. Similar advice shall be given to the guardian, near relative, or friend, in cases involving mentally incompetent aliens or aliens under sixteen years of age.

(c) *Identification card to be lifted when alien arrested.* If an arrested alien is found to be in possession of a border crossing identification card, such card shall be taken up and retained in the immigration office where the hearing is conducted until the final decision is made in the case.

(d) *Fingerprints; photographs.* Every alien 14 years of age or older who is arrested in deportation proceedings shall be fingerprinted unless it is known by the arresting officer that he has already been fingerprinted in connection with any matter before the Service. Any alien so arrested, regardless of his age, shall be photographed if a photograph is required by the immigration officer in charge.

§ 150.6 *Custody of arrested aliens*—(a) *Release on bond or personal recognizance.* An alien arrested in deportation proceedings may, pending final disposition of his case and in the discretion of the officer in charge of the office having custody of the alien, be released under bond, or on his own personal recognizance, or on parole, unless specific instructions to the contrary shall have been issued. When release is directed by the officer in charge of the office having custody of the alien under conditions other than those stated in the warrant of arrest, such officer shall make immediate report thereof in writing to the officer in charge of the district giving the reasons for the action taken.

(b) *Detention without bond.* If, in any case in which detention without bond has not been authorized, the officer in charge of an office having custody of an alien has reason to believe that release should not be authorized under any condition, such alien may be continued in custody but a report shall promptly be made to the Commissioner giving reasons for the action taken.

(c) *Delivery bonds.* If a bond is required and accepted, it shall be executed on Form I–353 and shall be in an amount that will insure the alien's appearance when wanted, but not less than $500.

(d) *Detention facilities.* An alien under deportation proceedings not released on bond, or on personal recognizance, or on parole, may be confined only in a detention facility operated by the Service, or in a jail which has been approved by the Service as a detention facility or, upon approval from the Commissioner, in some other suitable quarters. Children under 18 years of age and women shall not be held in custody in jails unless absolutely unavoidable. Such aliens, when detention is necessary, may be detained in a private or other home or facility operated under contract with the Service for the maintenance of aliens, or in a home or other facility operated by a social welfare or philanthropic agency. When detention of such aliens in a jail is unavoidable, a report thereof with the reasons therefor, shall be immediately submitted to the Commissioner.

(e) *Institution cases.* An alien confined in an institution shall not be removed therefrom, in the absence of special instructions, until a warrant of deportation has been served and the Service is completely ready to deport, except in the case of a criminal alien who has served his sentence and is subject to discharge from imprisonment.

(f) *Cost of maintenance pending deportation.* The cost of maintaining aliens in custody after arrest and pending deportation may be borne by the Government, except that when an alien is an inmate of a public or private institution at the time of the institution of deportation proceedings no expense shall be incurred by the Government until he is taken into physical custody by immigration officers.

§ 150.7 *Application, prior to hearing, for suspension of deportation*—(a) *Who may apply.* Any alien against whom warrant proceedings have been instituted who believes himself entitled to suspension of deportation may apply therefor prior to hearing by filing Forms I–256 and I–55, in duplicate, properly filled out and executed, together with two photographs as prescribed in § 364.1 of this chapter, at the office of the Service having jurisdiction over the applicant's place of residence.

(b) *Prima facie eligibility not established.* If Forms I–256 and I–55 do not establish prima facie eligibility for suspension of deportation the case shall be referred immediately to a hearing examiner for hearing as to deportability.

(c) *Prima facie eligibility established; documents and investigation required.* If Forms I–256 and I–55 establish prima facie eligibility for suspension of deportation, the alien shall be advised:

(1) To obtain promptly and furnish to the officer in charge:

(i) Official certifications to establish his relationship to those he claims would suffer economic detriment by his deportation and, if such persons are citizens of the United States, evidence of their citizenship, or

(ii) Documentary evidence that he has resided continuously in the United States for seven years or more and was residing in the United States on July 1, 1948;

(2) To submit the affidavits of two witnesses, preferably citizens, and if the alien is employed, one from his employer, who can vouch for the alien's good moral character for the preceding five years.

The officer in charge shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall also cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief. The investigating officer shall make a written report of his investigation to be included in the record.

(d) *Submission of record for hearing.* When the necessary entries have been verified and the documents required of the alien and the report of the investigating officer have been submitted, the case shall be referred to a hearing examiner for hearing under the warrant of arrest.

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

The following part is added:

Sec.
151.1 Hearing; when to be accorded.
151.2 Conduct of hearing.
151.3 Contents of record; evidence.
151.4 Proposals and arguments upon conclusion of hearing.
151.5 Recommended decision.
151.6 Reopening of hearing by hearing examiner.
151.7 Submission of record to the Commissioner.
151.8 Oral argument in the Central Office.
151.9 Decision by the Commissioner.

AUTHORITY: §§ 151.1 to 151.9 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 12, 60 Stat. 244; 8 U. S. C. 102, 222, 458, 5 U. S. C. 1011. Interpret or apply secs. 19, 20, 39 Stat. 889, 890, sec. 14, 43 Stat. 162, 54 Stat. 671, 56 Stat. 1044, 57 Stat. 553, secs. 5, 7, 8, 11, 60 Stat. 239, 241–242, 244; 8 U. S. C. 155, 156, 214, 5 U. S. C. 1004, 1006, 1007, 1010.

§ 151.1 *Hearing; when to be accorded.* After the alien has been taken into custody under a warrant of arrest and has been given a reasonable period of time to arrange for the presentation of his case, including if desired, representation by counsel, the case of the alien shall be referred to an appropriate officer for hearing to determine whether the alien is subject to deportation. The alien shall be timely informed of (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

§ 151.2 *Conduct of hearing*—(a) *Hearing examiner; general powers.* The officer assigned to conduct the hearing under a warrant of arrest shall be referred to as the "hearing examiner," who shall be an officer appointed pursuant to the provisions of section 11 of the Administrative Procedure Act (60 Stat. 244; 5 U. S. C. 1010). He shall have authority to (1) administer oaths and affirmations, (2) request the issuance of subpenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) regulate the course of the hearing, (5) take or cause depositions to be taken, (6) dispose of procedural requests, (7) recommend decisions in accordance with

§ 151.5, and (8) take any other action consistent with applicable provisions of law.

(b) *Hearing examiner; general duties.* The hearing examiner shall conduct a fair and impartial hearing. He shall not consult with any person or party on any fact in issue unless upon notice and opportunity for all persons concerned to participate and he shall not perform any duties inconsistent with his duties and responsibilities as a hearing examiner. He shall certify that the record is a verbatim report of everything that is stated during the course of the hearing, including oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record. The hearing examiner shall exclude from the record any evidence that is irrelevant, immaterial, or unduly repetitious. He may, within his discretion, exclude from the record any arguments in support of objections, but, in such event, he shall permit the proponents to submit their arguments in writing to accompany the record.

(c) *Hearing examiner; specific duties.* At the commencement of the hearing under a warrant of arrest, the hearing examiner shall (1) place the alien under oath or affirmation, (2) enter of record a copy of the warrant of arrest and explain to the alien in simple, understandable language the nature of the charges contained therein, (3) advise the alien, if not represented by counsel or other qualified representative, that he may be so represented if he desires and require him to state then and there for the record whether he desires such representation, (4) inform the alien of the definition and penalty for perjury, and (5) warn the alien of disabilities incurred under the act of March 4, 1929, as amended, respecting reentry to the United States after arrest and deportation or departure from the United States pursuant to an order of deportation. The hearing examiner may, at such time during the hearing under the warrant of arrest as he deems appropriate, advise the alien concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except (1) those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said act, and (2) those in which the alien was admitted to the United States as a nonimmigrant visitor under section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Cong.). If, as provided in paragraph (e) of this section, additional charges are lodged, the hearing examiner shall immediately explain these charges to the alien and shall advise him, if he is not represented by counsel or other qualified representative, that he may be so represented if he desires, and require him to state then and there for the record whether he desires such representation. The hearing examiner shall also inform the alien that he may have a reasonable period of time within which to meet the lodged charges if the alien so desires. The hearing examiner shall take such part in the hearing, including interrogation of the alien and witnesses, as is necessary, to assure a fair and impartial hearing.

(d) *Withdrawal and substitution of hearing examiners.* No person shall serve as hearing examiner in any case if, prior thereto, he engaged in the performance of investigative or other enforcement functions in the same case. The hearing examiner assigned to conduct the hearing in any case may at any time withdraw if he deems himself disqualified; and, upon the filing, by the alien or his attorney or representative or by the examining officer, in good faith, of a timely and sufficient affidavit of personal bias or disqualification of any such officer, that issue shall be determined by the Commissioner as a part of the record and decision in the case. If a hearing examiner becomes unavailable to complete his duties within a reasonable time in connection with any case, another hearing examiner shall be assigned to complete the case. In such event the new hearing examiner shall first familiarize himself with the case and shall enter of record a statement in writing that he has done so.

(e) *Examining officer; general duties.* The officer assigned to represent the Government at the hearing shall be referred to as the "examining officer." He shall (1) interrogate the alien and present such witnesses and documentary evidence as he may deem necessary, (2) conduct cross-examination of the alien's witnesses, if any; and (3) enter such objections as he may deem appropriate to the evidence presented by or on behalf of the alien. If, during the hearing, it develops that there exist grounds in addition to those stated in the warrant of arrest, why the alien is subject to deportation, the examining officer shall, with the permission of the hearing examiner, lodge additional charges against the alien and shall offer evidence upon such charges in like manner as on charges contained in the warrant of arrest.

(f) *Examining officer; specific duties.* The examining officer shall interrogate the alien to develop evidence concerning (1) alienage, (2) date, place, and manner of entry into the United States, (3) grounds for deportation, (4) factors bearing on statutory eligibility for discretionary relief, and (5) such other information as may be pertinent to the issues of the case. If the alien is suffering from any mental or serious physical disability, the examining officer shall obtain and present for the record a medical certificate showing whether such alien is in condition to be deported without danger to life or health and whether he will require special care and attention in the event of deportation overseas. In cases in which the alien is charged with being deportable by reason of conviction for crime in the United States or abroad, the examining officer, so far as practicable, shall offer in evidence a duly authenticated copy of the record of conviction and sentence and, if it is deemed necessary in order to establish whether the crime involves moral turpitude, a duly authenticated copy of the information, indictment, or complaint upon which the alien was convicted.

(g) *Representation by counsel; waiver.* The alien shall be permitted to obtain counsel or other representative who has qualified under Part 95 of this chapter. If such counsel or representative be selected, he shall be permitted to be present during the entire hearing, to offer evidence to meet any evidence presented or adduced by the Government for the record and to cross-examine witnesses called by the Government. He shall be permitted to state his objections succinctly, and they shall be entered on the record. If representation be waived, the alien shall be permitted to offer evidence to meet any evidence presented or adduced by the Government for the record, to cross-examine witnesses called by the Government, and to make objections which shall be entered on the record.

(h) *Interpreters.* If the services of an interpreter are found necessary in the conduct of a hearing, the hearing examiner may request the Service to furnish an interpreter, who shall be sworn to interpret and translate accurately. The interpreter may be an employee of the Service.

(i) *Continuances.* The hearing examiner may grant continuances of the hearing as may be reasonable at his own instance or upon motion of the examining officer or the alien or his counsel or representative. A continuance of the hearing for the purpose of allowing the alien to obtain representation shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

§ 151.3 *Contents of record; evidence—*(a) *Record.* The transcript of testimony and exhibits, together with all written motions and other papers and requests filed in the proceeding, shall constitute the exclusive record for the recommended decision of the hearing examiner.

(b) *Use of statements made during investigation.* The hearing examiner may permit the introduction into the record of any written or recorded statement or satsifactory evidence of any admission made by the alien or any other person during an investigation. If objection thereto is made by the alien or his counsel or representative, the reasons for the objection, as well as the ruling thereon by the hearing examiner, shall be made part of the record.

(c) *Affidavit.* In cases in which an affidavit in narrative form has been made by an alien prior to the issuance of a warrant of arrest as provided in § 150.1 (c) of this chapter and such affidavit satisfactorily establishes the facts necessary for determination as to deportability, the examining officer may offer the affidavit as an exhibit of record and if it is accepted by the hearing examiner, may rest his case on such affidavit.

(d) *Stipulation.* Any facts or other matters in issue in the proceeding may be stipulated in writing upon agreement between the examining officer and the alien or his counsel or representative. The written stipulation shall be signed by all

of these persons and shall be entered of record during the hearing.

(e) *Application for discretionary relief.* At any time during the hearing under the warrant of arrest the alien may file an application for suspension of deportation, or for the privilege of departing from the United States at his own expense in lieu of deportation, or for the privilege of departing from the United States at his own expense in lieu of deportation with the additional privilege of preexamination. He may apply in the alternative for more than one of these three forms of relief. Applications shall be made in duplicate on Forms I-55 or I-255 or both as may be appropriate, furnished to the alien by the hearing examiner, who shall warn the alien that any statement made by him in such application may be considered as evidence in any subsequent proceedings and that false answers to any of the questions may bar him from the relief which he requests. Any such application shall be made a part of the record. The burden of establishing that the alien meets the statutory requirements precedent to the exercise of discretionary relief shall be upon the alien. In addition, he may submit any written or oral material which he believes should be considered in the exercise of discretion by the Commissioner.

§ 151.4 *Proposals and arguments upon conclusion of hearing.* The examining officer and the alien or his counsel or representative may within five days following the conclusion of the hearing submit to the hearing examiner proposed findings of fact and conclusions of law and a statement of supporting reasons. They may, if they so desire, state orally for the record immediately at the conclusion of the hearing that they waive that right or they may file a written waiver of the said right within five days following the conclusion of the hearing.

§ 151.5 *Recommended decision*—(a) *Preparation by hearing examiner of written recommended decision.* Except as provided in paragraph (d) of this section, the hearing examiner shall, as soon as practicable after the conclusion of the hearing and with due regard to the provisions of § 151.4, prepare in writing his recommended decision, signed by him, which shall set forth a summary of the evidence adduced, a ruling upon each of the matters which may be submitted pursuant to § 151.4, and his proposed findings of fact and conclusions of law as to deportability. If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation, the recommended decision shall also contain a separate summary, ruling, proposed findings and conclusions as to the alien's statutory eligibility under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, for such relief. The decision shall be concluded with a statement of the hearing examiner's recommended order which shall be either (1) that the alien be deported, or (2) that the warrant of arrest be canceled, or (3) that the alien be found to have established statutory eligibility for specific relief from deportation.

(b) *Service of written recommended decision.* The original written recommended decision shall be made part of the record of the case. The hearing examiner shall cause signed copies of such decision to be served either in person or by registered mail on the alien or his counsel or representative as well as on the examining officer.

(c) *Exceptions to written recommended decision.* The examining officer and the alien or his counsel or representative shall be allowed a reasonable time not to exceed ten days (which may be extended only upon a showing of good cause that more time is necessary), except that the ten-day period shall be reduced to five days in the case of aliens detained by the Service, in which to submit to the officer in charge of the district or suboffice (1) proposed findings and conclusions, or (2) exceptions to the recommended decision, and (3) supporting reasons for such exceptions or proposed findings or conclusions for consideration by the Commissioner. Any person upon whom service of the written recommended decision has been made may file a written waiver of the right specified above.

(d) *Oral recommended decision and exceptions thereto.* In any case in which the examining officer and the alien or his counsel or representative have entered an oral waiver as provided for in § 151.4, the hearing examiner may state for the record in the presence of these persons a brief summary of the evidence, proposed findings of fact and conclusions of law, and his recommended order in the manner provided in paragraph (a) of this section. When the hearing examiner makes such oral recommended decision, he shall then require the examining officer and the alien or his counsel or representative to state for the record whether they take exception to any part thereof. If exceptions are taken, the exceptor shall be afforded the same opportunities accorded him by the provision of paragraph (c) of this section. If exceptions are not taken, such action shall be deemed to be a voluntary waiver of the right thereafter to submit proposed findings, conclusions and supporting reasons for consideration.

§ 151.6 *Reopening of hearing by hearing examiner.* At any time prior to the forwarding of the record of hearing to the Commissioner, the hearing examiner may at his own instance direct that the case be reopened for proper cause. He may direct a reopening upon request of the examining officer or of the alien or his counsel. Such requests shall be in writing, shall state the new facts to be proved, and shall be supported by affidavits or other evidentiary material. Requests for reopening shall be filed with the officer in charge of the district or suboffice who shall refer them to the hearing examiner.

§ 151.7 *Submission of record to the Commissioner.* The entire record shall be forwarded promptly to the Commissioner by the officer in charge of the suboffice or district (1) upon receipt of exceptions, proposed findings and conclusions, and supporting reasons as provided in § 151.5, or (2) upon expiration of the time allowed therefor, or (3) upon receipt of waivers from the examining officer and the alien or his counsel or representative of the right to file proposals, exceptions, and argument to the recommended decision of the hearing examiner.

§ 151.8 *Oral argument in the Central Office.* Oral argument may be permitted prior to decision by the Commissioner upon timely request in any case which has been forwarded to him pursuant to § 151.7. Requests for oral argument shall be directed to the Commissioner, Immigration and Naturalization Service, Washington, D. C. Oral argument may be made by the alien or by his counsel or representative on his behalf, who may submit briefs in support of argument. Oral argument will be heard in the Central Office of the Immigration and Naturalization Service in Washington, D. C. at such time as the Commissioner has advised the party to appear therefor. Oral argument will be heard by the Assistant Commissioner, Adjudications Division, or by his designated representatives.

§ 151.9 *Decision by the Commissioner*—(a) *Form and finality.* The decision of the Commissioner shall be in writing and shall, unless the alien or his counsel or representative appeals to the Board of Immigration Appeals with the time specified in § 90.9 (b) of this chapter, be final.

(b) *Reopening.* The Commissioner may for proper cause direct a reopening of any case which is before him for consideration. Hearings ordered reopened by the Commissioner shall be conducted by a hearing examiner, who need not be the hearing examiner originally presiding in the case.

(c) *Service of the Commissioner's decision.* A copy of the Commissioner's decision shall be served in the manner specified in § 90.9 (a) of this chapter.

PART 152—DEPORTATION PROCEEDINGS: ACTION SUBSEQUENT TO ADJUDICATION

The following part is added:

Sec.
152.1 Voluntary departure under Commissioner's order; extension of time.
152.2 Issuance and execution of warrants of deportation.
152.3 Deportation.
152.4 Suspension of deportation; issuance of alien registration receipt card.

AUTHORITY: §§ 152.1 to 152.4 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 19, 20, 39 Stat. 889, 890, sec. 14, 43 Stat. 162, 54 Stat. 671, 56 Stat. 1044, 57 Stat. 553; 8 U. S. C. 155, 156, 214.

§ 152.1 *Voluntary departure under Commissioner's order; extension of time.* In cases in which the final decision is to grant an alien permission to depart voluntarily from the United States at his own expense in lieu of deportation, the alien shall be permitted to depart voluntarily within such period of time and under such conditions as the officer in charge of the district deems appropriate.

A request for extension of time within which to depart voluntarily shall be addressed to and filed with the said officer in charge, who shall then act upon the request and notify the alien or his counsel or representative of his decision by personal service or by registered mail. If an alien does not depart from the United States within the time granted or any extension thereof, the field office shall serve a notice upon the alien and his counsel or representative, if any, advising him that it proposes to recommend to the Commissioner that an order of deportation be entered. The notice to the alien and his counsel or representative shall further advise him of his right to file exceptions within such time, but not less than five business days, as the field office deems reasonable. At the expiration of the period granted or any extension thereof, the complete record of the case together with a copy of the notice and of any exceptions filed shall be forwarded to the Commissioner. The Commissioner shall act upon the recommendation and shall cause notice of his decision and order to be served upon the alien's counsel or representative, or, in the absence of such counsel or representative, upon the alien himself, by personal service or by registered mail, in the manner provided in § 90.9 (a) of this chapter. No appeal to the Board of Immigration Appeals shall lie when the Commissioner's order denies an application for extension of time to depart unless he further orders the alien's deportation.

§ 152.2 *Issuance and execution of warrants of deportation*—(a) *Issuance.* The officer in charge of the appropriate district shall issue a warrant of deportation in cases in which the Commissioner's order directs deportation.

(b) *Taking an alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case may require, due regard being had to the provisions of § 90.9 of this chapter, the alien, if not already in custody, shall be taken into custody thereunder and deported.

(c) *Aliens confined in penal institutions.* No alien sentenced to imprisonment shall be deported under any provision of law until the termination of the imprisonment. Imprisonment shall be considered as terminated upon the release of an alien from confinement whether or not he is subject to rearrest or further confinement in respect of the same offense. Release of an alien from confinement on parole shall be considered as a termination of imprisonment.

(d) *Aliens discharged from United States Narcotic Farms.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a United States Narcotic Farm provided for in the act of January 19, 1929, shall, at the time of his discharge from the farm, be taken into custody direct from the farm and deported instead of being returned to the penal institution from which he came.

(e) *Departure at alien's expense.* When an alien has been ordered deported, the officer in charge of the district within which the alien is located or where the alien is in custody may, in the absence of express directions to the contrary, permit the alien to depart to any country of his choice by reshipping foreign one way as a seaman, or by any other method at the alien's expense. When such departure is permitted and effected, the facts shall be recorded on the warrant of deportation. Any alien who is permitted to depart from the United States at his own expense under a warrant of deportation shall be notified of the issuance of such warrant and again warned concerning the provisions of the act of March 4, 1929, as amended.

(f) *Stay of deportation by the officer in charge.* When an alien has been ordered deported and substantial reason exists why deportation should be stayed the officer in charge of the appropriate district may, in his discretion, stay the deportation. All the facts and circumstances in such cases shall be reported immediately to the Commissioner, and the further action shall be subject to the direction of the Commissioner.

§ 152.3 *Deportation*—(a) *Manner of.* If deportation is to be effected by vessel or airplane, notice of the proposed deportation of any alien shall be given to the transportation company concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination. Any request from the transportation lines to defer delivery of the alien for deportation shall be accompanied by a written agreement from the line concerned that it will be responsible for all detention expenses resulting from such deferment.

(b) *To foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons render it advisable to effect deportation though some other port. Deportation to a seaport shall be authorized when that course is deemed advisable or more economical than deportation across the land boundary.

§ 152.4 *Suspension of deportation; issuance of alien registration receipt card.* In any case in which an application for suspension of deportation under section 19 (c) of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671, 56 Stat. 1044, 62 Stat. 1206; 8 U. S. C. 155 (c)), is approved and deportation proceedings are cancelled, a new alien registration receipt card on Form I-151, showing that the applicant has acquired the status of a lawful permanent resident alien, shall be issued and mailed to the applicant by the Commissioner.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. It is necessary to supersede regulations relating to deportation procedure in Part 150 of Title 8 of the Code of Federal Regulations with new regulations to conform to the Supreme Court decision in the case of Wong Yang Sung (No. 154–October term, 1949) rendered on February 20, 1950. Since February 20, 1950, all deportation hearings have been suspended. The regulations set forth in this order are promulgated to conform to the principles enunciated in the above-mentioned court decision and deportation hearings cannot be resumed until the regulations contained in this order become effective. Therefore, compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable because the due and timely execution of the functions of the Immigration and Naturalization Service with respect to the conduct of deportation hearings would be impeded and public interest would not be served by notice and delayed effective date.

[SEAL] WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: March 8, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-1993; Filed, Mar. 9, 1950; 8:56 a. m.]

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

WAIVER OF PASSPORT AND VISA REQUIREMENTS

NOTE: For amendments to § 176.187 (p) and (aa), and addition of §§ 176.107 (bb) and 176.202 (t) and (u), see Part 42 of Title 22, Chapter I, Federal Register Document 50-1737, appearing at page 1176 in the issue for Friday, March 3, 1950.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52425]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

LANDING CERTIFICATES

In order to facilitate the issuance of landing certificates by collectors of customs for residue cargo landed and delivered into customs custody in the United States and to save time and difficulty, it is deemed advisable to dispense with the present requirement that the master or agent of a vessel request a landing certificate for such cargo for the collector at the port where a charge was made against the importing vessel's bond for the production of a landing certificate. In every such case, after any necessary correction of the vessel's manifest in accordance with § 4.12 of the Customs Regulations of 1943 (19 CFR 4.12), as amended, the collector of customs at a port of discharge shall prepare a landing certificate on customs Form 3225 for the

cargo landed at his port and shall forward the certificate to the collector at the port where the vessel first entered on the voyage in question.

Accordingly, § 4.85, Customs Regulations of 1943 (19 CFR 4.85), as amended, is hereby further amended by deleting all of paragraph (i) except the parenthetical matter at the end thereof which is transferred to the end of paragraph (h).

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 4197, as amended, 4200, as amended, 32 Stat. 172; 46 U. S. C. 91, 92, 95)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: March 6, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1903; Filed, Mar. 9, 1950; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS SOLD TO PERSONS ENGAGED IN EXPORT TRADE

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.15 *Notice to manufacturers and labelers of antibiotic and antibiotic-containing drugs.* Recent investigations by the Federal Security Agency have revealed that a number of persons engaged in manufacturing and selling antibiotic and antibiotic-containing drugs are introducing into interstate commerce shipments of these drugs that are unlabeled, or not fully labeled, and are not exempt from labeling under the provisions of 21 CFR 146.18. This practice has been based upon the belief that interstate shipments of antibiotic and antibiotic-containing drugs to persons engaged in the export trade are not subject to certification.

When these drugs are introduced into interstate commerce they must be certified, exempted from labeling under § 146.18, of this chapter, or exempted from misbranding by meeting all the conditions specified in section 801 (d) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 381 (d)). Section 801 (d) of the act is not satisfied merely by shipment of drugs to exporters. If exemption under this section is to be claimed, the drugs, at the time of introduction into interstate commerce, must be marked for export, must accord to the specifications of the foreign purchaser, and must not be in conflict with the laws of the country to which they are intended for export. The initial shipper has a responsibility to meet all the conditions of section 801 (d) if exemption is to be claimed. It is not enough that he is shipping to a person engaged in the export trade who will obtain a foreign purchaser, who will mark the goods for export, and who will obtain assurance that the drug is not in conflict with the laws of the country to which it is intended for export.

Section 146.18 of this chapter provides exemption from labeling. If the original shipper has an effective exemption permit under these regulations, the exporting firm named in the exemption permit may be allowed to receive and to hold the unlabeled drugs under the exemption until the conditions of section 801 (d) of the act are satisfied.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: March 3, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-1935; Filed, Mar. 9, 1950; 8:48 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

USE OF OX BILE FROM CONDEMNED LIVERS FROM SLAUGHTERED ANIMALS IN MANUFACTURE OF DRUGS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.16 *Notice to manufacturers, packers, and distributors of drug products.* Conferences have recently been held between members of the Federal Security Agency and representatives of the Bureau of Animal Industry, Agricultural Research Administration, Department of Agriculture concerning requests made to that agency for the release of ox bile from condemned livers of slaughtered animals for use in the manufacture of certain drugs.

The Federal Security Administrator has given careful consideration to this problem and has reached the conclusion that no hazard to public health will be involved in the release of such ox bile, after the addition to it of sufficient sodium hydroxide to give the mixture a sodium hydroxide content of not less than 5 percent, the mixture then being allowed to stand at least 24 hours. This Agency will not regard as in violation of the provisions of the Federal Food, Drug, and Cosmetic Act such alkalized and aged ox bile, if labeled "Ox Bile and Sodium Hydroxide (or Ox Bile and Sodium Hydroxide Solution). Sodium hydroxide not less than 5 percent by weight. For manufacturing use only," together with a statement of the quantity of contents in the container (for example, "50 gallons") and the name and address of the manufacturer, packer, or shipper.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: March 3, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-1936; Filed, Mar. 9, 1950; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 226]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 224]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LOUISIANA AND CALIFORNIA

Amendment 226 to the Controlled Housing Rent Regulation and Amendment 224 to the Rent Regulation For Controlled Rooms in Rooming Houses and Other Establishments.

A. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended by changing Schedule A, Item 131, to read as follows:

(131) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Lake Charles, Louisiana, Defense-Rental Area.

B. The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended by adding a new item to Schedule B to read as follows:

65. Provisions relating to the Lake Charles, Louisiana, Defense-Rental Area.

Decontrol of housing accommodations in trailers and trailer spaces on Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.1 to 825.12 is terminated, effective March 8, 1950, with respect to all housing accommodations which on that date were housing accommodations in trailers or trailer spaces, located in the Lake Charles, Louisiana, Defense-Rental Area.

C. The Controlled Housing Rent Regulaton and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments are amended in the following respects:

1. Schedule A, Item 28, is amended to read as follows:

28 [Revoked and decontrolled.]

This decontrols the entire Lassen County, California, Defense-Rental Area.

2. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County except (1) the Cities of Fullerton, Huntington Beach, Laguna Beach, and Newport Beach, (2) that portion of Orange County lying south of the south line of Township Six South, Range Eight West, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line, and (3) that portion of Orange County beginning at the intersection of the north line of Section 12, Township 5 South, Range 12 West, San Bernardino Base and Meridian with the westerly line of said Orange County; running thence from said point of beginning easterly along Section lines to the northeast corner of Section 9, Township 5 South, Range 11 West, San Bernardino Base and Meridian; thence southerly along section lines to the northerly boundary line of the City of Huntington Beach; thence westerly and southerly along said boundary line of the City of Huntington Beach to the

ordinary high tide line of the Pacific Ocean; thence northwesterly along said high tide line to the westerly boundary line of Orange County; thence northeasterly along said boundary line to the point of beginning; including the incorporated City of Seal Beach, and the unincorporated communities of Sunset Beach and Surfside.

Los Angeles County, except Catalina Township and the Cities of Alhambra, Bell, Beverly Hills, Covina, El Monte, Glendale, Huntington Park, La Verne, Long Beach, Maywood, Monrovia, Pasadena, Pomona, Santa Monica, South Gate and South Pasadena.

This decontrols that portion of Orange County, California, described in clause "(3)" of the first paragraph of the above description, in the Los Angeles, California, Defense-Rental Area, in which portion of Orange County are located the communities of Seal Beach, Sunset Beach and Surfside.

All the decontrols effected by this amendment are on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective March 8, 1950.

Issued this 7th day of March 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-1948; Filed, Mar. 9, 1950; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

ALIEN BENEFICIARIES

In § 3.1, paragraph (j) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(j) *Alien beneficiaries.* A veteran discharged for alienage during a period of hostilities is ineligible for benefits, unless he can establish that it was not pursuant to his own request. Where the character of the veteran's discharge is changed to honorable by a board established under the authority contained in section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, it will be considered that the discharge for alienage was not issued at the veteran's own request. A veteran who was discharged for alienage after the termination of hostilities and whose service was honest and faithful is not barred from benefits if he is found to be otherwise entitled thereto.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 427. Interprets or applies sec. 1, 46 Stat. 847, sec. 10, 47 Stat. 768, as amended, sec. 4, 48 Stat. 9, secs. 1-3, 55 Stat. 598, 599, 56 Stat. 730, as amended, sec. 1, 56 Stat. 753, as amended, sec. 10, 57 Stat. 556, 58 Stat. 824, 689, 60 Stat. 223; 10 U. S. C. 336, 33 U. S. C. 855a, 34 U. S. C. 857a, 37 U. S. C. 113 note, 38 U. S. C. 238, 238c-e, 704, 730, ch. 12 note, 42 U. S. C. 213, 48 U. S. C. 1232, 50 U. S. C. 301, 50 U. S. C. App. 1591-1598)

This regulation effective March 10, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-1898; Filed, Mar. 8, 1950; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

OUTSIDE MAIL

In Part 35, Provisions applicable to the several classes of mail matter (13 F. R. 8906) make the following change:

Insert a new section immediately following § 35.11 to read as follows:

§ 35.11a *Outside mail*—(a) *General.* Parcels properly prepared for mailing which by reason of their size, weight or nature of contents cannot be safely handled inside of mail bags without damaging them or other mail matter shall be plainly marked or labeled when necessary showing that the contents meet the requirements for handling outside of mail bags. They shall be stamped "OUTSIDE MAIL" by the accepting employee, unless such parcels are covered by the provisions of §§ 35.14 (b) and 35.16 (g), which prescribe the use of caution labels on certain hazardous materials, or unless labeled as herein provided for mailing by firms.

(b) *Firm mailers.* Such parcels from firm mailers may be accepted for outside handling if an approved label is securely attached thereto adjacent to the address. The label shall be rectangular in shape, approximately 1½ by 2½ inches in size, and the background shall be of a dull red color. It shall bear in black print the inscription "OUTSIDE MAIL", and, in a space provided under these words, shall be endorsed to show that the contents meet the requirements for handling outside of mail bags. Parcels improperly marked or labeled shall not be accepted.

(R. S. 161, 396, secs. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-1946; Filed, Mar. 9, 1950; 8:50 a. m.]

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES; INDEMNITY

DELIVERY

In § 64.7 *Delivery* (39 CFR 64.7) amend paragraph (b) to read as follows:

(b) *Other than minimum fee parcels.* Parcels on which other than the minimum insurance fee is paid and collect-on-delivery mail shall be delivered in accordance with the regulations governing the delivery of registered mail, except that numbered insured mail and collect-on-delivery mail, the delivery of which has not been restricted by the sender or addressee, addressed to a guest at a hotel, occupant of an apartment house, or the like, may be delivered without a written order from the sender or addressee to any person in a supervisory or clerical capacity to whom mail addressed to the hotel, apartment house, or the like, is customarily delivered. (See §§ 60.8 to 60.13 and § 61.27.) Both the delivery record of a numbered insured parcel and the return receipt, if requested, shall be signed by the person accepting delivery, and the delivery record and return receipt shall show the actual date of delivery. Charges on collect-on-delivery mail so delivered must be paid at the time delivery is effected. The C. O. D. tag shall be signed by the person accepting delivery and shall show the actual date of delivery.

NOTE: This paragraph does not apply to registered mail.

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-1944; Filed, Mar. 9, 1950; 8:50 a. m.]

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

REGISTRY FEE

In § 114.7 *Registry fee* (39 CFR 114.7) amend paragraph (b) to read as follows:

(b) The registry fee for all Postal Union articles of whatever class addressed to foreign countries shall be 25 cents. The registry fee for international parcel-post packages shall be 25 cents unless otherwise stated in current Official Postal Guide, Part II.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-1943; Filed, Mar. 9, 1950; 8:49 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

BARBADOS; IVORY COAST

1. In § 127.213 *Barbados* (39 CFR 127.213) amend the information below the table of rates, subparagraph (1) (i) of paragraph (b) by deleting "Dispatch note: 1 Form 2972" and substituting in lieu thereof "Dispatch note: No."

2. In § 127.284 *Ivory Coast* (39 CFR 127.284) amend the information below the table of rates, subparagraph (1) (i) of paragraph (b) by deleting "Customs declarations: 3 Form 2966" and substituting in lieu thereof "Customs declarations: 1 Form 2966."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-1945; Filed, Mar. 9, 1950; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 846, Amdt. 3]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1950.

Upon further consideration of the provisions of Service Order No. 846 (15 F. R. 769), and good cause appearing therefor: It is ordered, that:

Section 95.846 *Restrictions on use of coal-burning passenger service locomotive mileage*, of Service Order No. 846 be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) Reduction in passenger locomotive mileage. On and after the effective date of this amendment, no common carrier by railroad, subject to the Interstate Commerce Act, operating coal-burning steam locomotives in passenger service, having 10 or less days supply of fuel coal for such locomotives, shall operate such coal-burning steam locomotives in passenger service daily in an amount in excess of 75 per cent of such daily mileage as it operated on December 1, 1949.

Effective date. This amendment shall become effective at 11:59 p. m., March 10, 1950.

It is further ordered, that a copy of this amendment shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1964; Filed, Mar. 9, 1950; 8:53 a. m.]

[S. O. 847-A]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF COAL-BURNING FREIGHT LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1950.

Upon further consideration of Service Order No. 847 (15 F. R. 770, 824) and good cause appearing therefor: It is ordered, that:

Section 95.847 Service Order No. 847. *Restrictions on use of coal-burning freight locomotives*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., March 8, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1963; Filed, Mar. 9, 1950; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

NOTICE OF PROPOSED AMENDMENTS RELATING TO IMPORTED PLANTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 1, 5, and 7 of the Plant Quarantine Act of 1912, as amended (Secs. 1, 5, 7, 37 Stat. 315, 316, 317, as amended; 7 U. S. C. 154, 159, 160), is considering the amendment of Nursery Stock, Plant, and Seed Quarantine No. 37 and certain regulations supplemental thereto (7 CFR 319.37 (b), 319.37-8, 319.37-12, 319.37-19 (c)) in the following respects:

1. It is proposed to amend § 319.37 (b) by deleting from the list of plants prohibited importation into the United States the item relating to lantana from India because of Chlorogenus Santali Holmes.

2. It is proposed further to amend § 319.37 (b) by modifying the item relating to the prohibition of importation into the United States of pelargonium from Australia and the British Isles because of Marmor lethale Holmes, so that the prohibition will apply to "Pelargonium spp. (except stem cuttings)" imported from "All foreign countries" because of "Marmor lethale Holmes (tobacco-necrosis virus)."

3. It is proposed to amend § 319.37-8 by adding three sentences after the first sentence of this section so that the section will read:

§ 319.37-8 *Inspection; freedom from plant pests.* Except as otherwise provided herein, all plant material shall be subject to inspection to determine freedom from pests, and to determine compliance with requirements of the quarantine and regulations in this subpart. Inspection of Primula spp. shall be accomplished by detention of the plants for the time necessary to test them for the presence of tobacco-necrosis virus by the process of inoculating known susceptible plants, which is termed "indexing." This type of inspection will be available only at the Port of New York. Advance notice must be given of the arrival of such plants so that test seedlings will be available. Entry will be refused to restricted plant material found upon inspection to harbor injurious pests which are not widely prevalent in the United States, when no adequate method of treatment is available. When inspection discloses that the only pests present are such as are known to be widely prevalent within the United States, the inspector may require as a condition of entry that the shipment be treated by the best method available. In the latter case, where no method of treatment is known or the degree of pest infestation or infection is determined by the inspector as negligible he may permit the entry of the restricted plant material under appropriate restrictions or safeguards, in accordance with procedures administratively authorized by the Chief of Bureau.

4. It is proposed to amend § 319.37-12 by adding at the end thereof the following paragraph:

Permits for the importation of plants that are to be inspected for the presence of virus disease by the technique of indexing may limit the number of such plants in any one importation to the number that can be readily examined by this method.

5. It is proposed to amend § 319.37-19 (c) by deleting the following three items from the list of restricted plant material that shall as a condition of importation be grown in postentry quarantine:

Lantana spp. imported from all foreign countries except Canada and India.

Pelargonium spp. imported from all foreign countries except Australia, Canada, and Great Britain.

Primula spp. imported from all foreign countries except Australia, Canada, and British Isles.

The purposes of these proposed amendments are as follows:

1. To remove lantana plants from India from the list of plants prohibited importation into the United States, and to remove this genus from the list of plants to be grown in postentry quarantine, when imported from all foreign countries except Canada and India. Further study of phytopathological literature discloses that the genus Lantana does not carry *Chlorogenus santali* Holmes, the sandal spike-disease virus, even though sandal plants growing parasitically on lantana are frequently heavily infected with this virus. Consequently, it is proposed to allow importation of lantanas under the general requirements of the regulations.

2. To change the present prohibition on the importation of Pelargonium spp. from Australia and the British Isles, so that the prohibition would apply to plants of this genus from all foreign countries, but stem cuttings would be exempt from the prohibition. At the same time it would be necessary to remove from the list of plants to be grown in postentry quarantine the item relating to this genus, when imported from all foreign countries except Australia, Canada, and Great Britain. Present requirements are based on the susceptibility of the various species of the genus to infection with the tobacco-necrosis virus disease. It has been learned that pelargoniums infected with this virus show no outward symptoms and that the virus is present only in the roots. Consequently, presence of the disease cannot be detected by field inspection during postentry quarantine. Since this disease is known to be carried only in the roots, provision in the proposed amendment that importation of these plants be limited to stem cuttings under general regulatory procedures would effectively prevent entry of the disease.

3. To remove Primula spp. from the plants listed in § 319.37–19 (c) that may be imported for growing under postentry quarantine. The presence of tobacco-necrosis virus in these species is also masked and the disease is found only in the roots. It is consequently ineffectual to grow these in postentry quarantine since field examination cannot detect infection. It is not considered appropriate at this time to lift the prohibition on the importation of these species from countries where the disease is known to occur. However, to provide for the detection of this disease in plants from countries where it may occur, although unreported, it is proposed, by amending §§ 319.37–8 and 319.37–12, to provide for the inspection of such plants imported under permit by means of indexing, which involves inoculation of detector seedling plants with material from the imported primula roots. Virus, if present in the root tissue, would infect the detector seedlings and detectable symptoms would quickly develop. It is also proposed that permits for the importation of this species may limit the number of plants in any one importation to the number that can be readily handled for indexing purposes, and that advance notice be required of the arrival of such plants so that test seedlings will be ready for use.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of March 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50–1928; Filed, Mar. 9, 1950; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Part 961]

[Docket No. AO–160–A10]

HANDLING OF MILK IN PHILADELPHIA, PA., MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Philadelphia, Pennsylvania, on January 25, 26, 27 and 28, 1950, pursuant to notice thereof which was issued on January 18, 1950 (15 F. R. 366).

The material issues of record related to:

1. The level of prices for Class I milk during the months of February through June 1950.

2. A special price for Class II milk used for certain products and a handling and transportation allowance for milk moved from a producer milk plant to another plant for manufacture.

3. The method of determining the average price of cream to be used in evaluating the butterfat portion of Class II milk.

4. The price for milk used in the manufacture of butter.

5. Months in which producer milk is assigned to Class I before non-producer milk.

6. Designation of certain plants as producer milk plants.

7. Designation of the price of nonfat dry milk to be used in evaluating the nonfat solids portion of Class II milk.

8. Prices to be paid producers for milk sold outside the marketing area.

9. Amount of producer butterfat differential.

10. Elimination of certain areas from the marketing area.

11. General.

Findings and Conclusions. Upon the basis of the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Price for Class I milk.* The price for Class I milk for the months of April, May, and June 1950 should be $5.10 per hundredweight.

For the period of July 1949 through January 1950 the order has provided a price for Class I milk at the level of $5.50 per hundredweight, with a seasonal increase of 40 cents during the months of October through December. Following January 1950, the provisions of the order relate the Class I price to the wholesale price of butter. Producers requested at the hearing that the price of $5.50 be continued through February and March, with a seasonal reduction to $5.10 for April, May and June.

A public meeting was called on January 25, 1950, pursuant to a notice published in the FEDERAL REGISTER (15 F. R. 366) to receive data, views and arguments with respect to the suspension of certain provisions of the order so as to continue the January Class I price of $5.50 through February. On the basis of the data, views, and arguments presented at that meeting and other relevant material, it was decided that such suspension would not tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. There is no basis in the record of this hearing for establishing a higher price in March of this year than in February.

Costs of purchased feed to dairy farmers in this area have declined from the high levels reached during 1948, but remained about the same during the last six months of 1949. The basic annual level of Class I prices for this market has declined 40 cents per hundredweight from the highest level reached in 1948. Class I sales by handlers in this market have been maintained at about the same level as during 1948.

In establishing a level of prices for Class I milk in this market for the months of April, May and June, 1950, some weight should be given to the reduction in the Class I price earlier than the usual seasonal drop which ordinarily would take place on April 1. Producers in this market have during recent years become accustomed to four yearly seasonal changes in the Class I price at the beginning of each calendar quarter. The price of $5.10 requested by producers for the second calendar quarter would

be a continuation within this seasonal pattern of the basic level of price effective for January. Handlers requested a price of $4.90 for the April–June period, which would represent a drop of 20 cents in addition to the 40-cent seasonal reduction. In view of the drop in the order Class I price on February 1, two months earlier than the customary seasonal adjustment, it appears unnecessary to establish the April, May and June Class I prices at a level more than 40 cents lower than the January price.

2. *Class II prices.* The price for Class II milk should be adjusted to a lower level during the months of April through June, and in 1950, in March and July also.

Testimony of producers and handlers indicated that an unusually large volume of milk is expected to be delivered by Philadelphia producers in the high production months of this year, and that a portion of this increased production could be sold by producers only at a price lower than the regular Class II price. Producers proposed that a special price somewhat lower than the regular Class II price be established for milk used in milk chocolate, evaporated milk, and cheese other than cottage cheese, and that, in addition, a graduated transportation and handling allowance should apply to milk which is moved to the plant of another person for manufacture into these products. A witness for handlers contended that the proposed subdivision of Class II products should include condensed milk not used for ice cream in the area.

A special price lower than the regular Class II price was in effect during the period of April 16 through June 30, 1949, for milk used in milk chocolate, evaporated milk, and cheese other than cottage cheese. During May, the first full month of operation of this special pricing, 8.5 million pounds of milk and skim milk or about 21.5 percent of the total volume of Class II milk was priced under these provisions, and in June 5.9 million pounds of milk or skim milk, or about 18.2 percent of the total volume of Class II.

The proposals for a special subdivision of the Class II uses must be considered in comparison with other methods of meeting the problems associated with marketing an unusually large volume of producer milk. A more moderate adjustment of the Class II price on a wider basis would also serve as an inducement to handlers to handle the larger volumes of Class II milk. Such a price adjustment would tend to promote utilization of the milk in normal channels of distribution rather than only in the special uses suggested. The wider application of the price adjustment would provide a greater variety of opportunities for handlers in choice of facilities and uses for the milk, and in this manner enable handlers to achieve more economical handling and more efficient utilization of manufacturing facilities. Data in the record indicate that substantial manufacturing facilities exist in Philadelphia handlers' plants.

The record indicates that some additional transportation costs are involved in disposing of unusually large volumes of Class II milk, but these additional costs apply also to disposition in other uses as well as in the proposed sub-group. The substantial price adjustments urged by proponents as needed to handle and move the milk in these special uses also makes it appear doubtful whether such utilization is the most economical method of disposing of the milk. It was also testified that some of the plants with facilities for processing milk in the proposed special uses are already supplied by regular shippers to the extent that they cannot be expected to absorb much milk from Philadelphia handlers.

It is concluded that the adjustment of the Class II price at this time should apply to all Class II uses. In view of the wider application of the adjustment, and the greater handling economies which may be achieved in the more regular channels of disposition, an adjustment applying to all Class II milk would be equivalent to a larger adjustment on a few kinds of utilization.

The Class II price provisions of the order provide for deductions totaling 70.5 cents per hundredweight of milk in July through March from the market values of fat in cream and nonfat solids in the form of nonfat dried milk. An additional 5-cent deduction is provided for the months of April, May and June. It is recommended that during April, May, June, and in 1950 for March and July as well, these deductions should be 10 cents greater than in the months of August through February. The record indicates that the increased level of receipts from producers will result in a volume of Class II milk in March and July of this year comparable to that in April last year. The deductions from the product market values would then amount to 80.5 cents per hundredweight during the months of March through July 1950, which the record shows is the period in which some additional handling may be incurred in disposing of Class II milk.

3. *Cream prices.* A witness for handlers proposed that the cream price used as a basis for the butterfat value of Class II milk should be the average of the range of quotations in the Philadelphia market for cream approved for Pennsylvania and cream approved for Pennsylvania, Newark, and Lower Merion Township. This would replace the present provision of the order which requires that the simple average be computed of all prices reported for cream approved for Pennsylvania and all prices reported for cream approved for Newark and Lower Merion Township as well as Pennsylvania. The effect of the proposal, if it had operated during 1949, would have been to reduce the average cream price used in the Class II price computation by about 50 cents per can.

The record indicates that an increase in local supplies of cream has tended in fewer price quotations for cream approved for Lower Merion Township and Newark. There also has been a narrowing of the margin between the average prices for cream approved only for Pennsylvania and cream approved for the three areas. These factors have tended to bring the average of the combined quotations closer to the average price for cream approved only for Pennsylvania.

In view of the indications of a continuing thin cream market, use of the average of the range of quotations might allow erratic variations. Handlers did not show that the average of the range of prices would be more representative of the value of the types of cream used by handlers under the order. Producers, in their brief, pointed out that on the basis of the record of a hearing held on March 9, 1949, (certain portions of which were introduced by reference at this hearing) that a majority of the producers for this market must meet the requirements for Newark and Lower Merion approval. It is concluded that in order to assure an adequate basis for the butterfat value in Class II milk, the simple average for all prices reported by the U. S. Department of Agriculture for fresh sweet bottling quality cream at Philadelphia should be used. In view of the possibility that the manner of reporting cream prices may be changed from time to time, it appears desirable to avoid the limitation to specified approval.

4. *Price for milk used in making butter.* The Class II price for milk, the fat from which is made into butter, should reflect the market value of butter with some allowance for its manufacture.

Under the order provisions the price for such milk is calculated on the basis of 4 x 120% of the average price during the month of Grade A butter at wholesale in New York plus a value for the nonfat solids in the milk, with the provision that this price shall not exceed the price otherwise calculated under the order provisions for Class II milk.

A handler testified that the present provisions result in charging the handler for the full market value of the fat in the form of butter without any allowance for manufacturing. The handler further testified that he purchases milk from a number of small Philadelphia handlers who have no manufacturing facilities and uses this milk in the manufacture of butter. Some adjustment of the price for milk in this utilization appears reasonable in view of the handling involved in these operations.

The order Class II price provisions adjust the market values of cream and nonfat solids by certain deductions in arriving at a price for Class II milk. The handler indicated that in the case of butterfat made into butter, the deduction of 4 cents from the wholesale price of butter which is used as a basis for calculating a butterfat value for Class II milk would be sufficient. The proposed change in the butterfat value for butter would be equivalent to about 19 cents per hundredweight of milk.

The present adjustment applied to the nonfat solids market value is 44 cents per hundredweight of milk in the months of July through March, and an additional 19 cents would make a total adjustment factor of 63 cents per hundredweight of milk when the butterfat is used in butter. Inasmuch as another part of this decision recommends that a seasonally lower Class II price apply in April, May and June, and in 1950 in March and July, as well, the same in-

crease in the total adjustment factor should apply in these months in the case of milk the butterfat from which is made into butter. The price for Class II milk the butterfat from which is made into butter should not, in any case, exceed a price otherwise determined under the order for Class II milk. This special price for milk used in the manufacture of butter should apply only where the product is salted butter.

5. *Assignment of milk to Class I.* Prior assignment of producer milk to Class I, before assigning other source milk, should apply in the months of February and March as well as the other months in which the order so provides.

During each of the months of April through September the order provides that milk from non-producer sources shall be allocated to Class I only if the handler has allocated all of his producer milk to Class I. Producers requested that the months of February and March be included in this provision.

The record indicates that supplies of producer milk have increased during recent years and that there is sufficient producer milk during the months of February through September to meet the Class I requirements of the market. A witness representing handlers concurred in extending to February and March the application of the prior assignment of producer milk to Class I. One handler contended, however, that the prior assignment of producer milk to Class I in the months of February, March, July, August and September, restricts his operations since he does not have facilities to carry a year round supply of milk to meet all his Class I requirements. It appears that the problem in this case results primarily from unusual variations in Class I sales. The proposed amendment in no way restricts the procurement of non-producer milk for Class I when receipts of producer milk fall short of Class I sales.

It is concluded that during each of the months of February through September milk or skim milk received at a producer milk plant from a non-producer plant should be allocated to Class I only if all of the handler's producer milk has been allocated to Class I.

6. *Designation of producer milk plants.* The plant of the Philadelphia Dairy Products Company, Inc., at Pottstown, Pennsylvania, should be listed in the order as a producer milk plant. The plant of the Breuninger Dairies at Richlandtown, Pennsylvania, should be deleted from the list of producer milk plants in the order.

A witness representing the Philadelphia Dairy Products Company, Inc. requested that the Pottstown plant of this handler be listed as a producer milk plant in the order. He testified that this plant has regularly been supplying the Philadelphia market since July 1, 1949 and that it is the intention of this handler to continue this plant as a regular source of milk supply for the market. It is concluded that this plant should be added to the list of producer milk plants named in the order.

A witness representing the Breuninger Dairies requested that this handler's plant at Richlandtown, Pennsylvania, be deleted from the list of producer milk plants. He testified that this plant was closed down December 31, 1949 and that the handler does not intend to operate the plant in the future. It is concluded that this plant should be deleted from the list of producer milk plants named in the order.

7. *Price for nonfat solids.* Certain handlers requested that the order language be more specific as to the price quotation for nonfat dry milk solids used in computing the price for Class II milk. The price quotation used is that published in "Producers Price Current" for nonfat dry milk solids, "roller, other brands, human consumption, carlots, bags or barrels." The complete designation of this price quotation, as set forth above, should be used in the order.

8. *Prices for milk sold outside the marketing area.* No change should be made in the method of determining the price to producers for milk sold outside the marketing area for fluid use.

Handlers requested that the pricing of Class I producer milk sold outside the marketing area be modified so that sales of bulk milk outside Pennsylvania would be priced on the basis of the uniform price under the order of the Secretary regulating the handling of milk in the New York Metropolitan marketing area, and so that other sales outside the marketing area would be priced on the basis of prices already established by state or Federal authority in such outside area.

Handlers' contention that the milk sold outside the area should be priced according to the prices specified in their proposal is apparently based principally on the consideration that these prices would represent the competitive level of prices in the areas named. This contention was not substantiated by any data produced by the proponents. The use of the proposed specified prices would in some cases allow the possibility that the competitive level of prices in these areas might be either higher or lower. There was no showing that the uniform price under the New York order would in any sense be a proper price for Philadelphia producer milk used in Class I. Furthermore, prices established under another marketing order may be related to different marketing conditions than obtain in the Philadelphia market. Accordingly, it appears more appropriate to rely upon the market administrator's ascertainment of the price being paid to farmers for milk disposed of in such areas as a basis for pricing producer milk sold outside the marketing area. It is concluded that the record does not establish a basis for changing the present provisions for determining the price for milk sold outside the area.

9. *Producer butterfat differential.* No change should be made at this time in the butterfat differential applicable to the butterfat content of milk delivered by individual producers.

A producer witness proposed that the producer butterfat differential be modified so as to be the same as the butterfat differential applicable to the value of the milk used by a handler in Class I and Class II. The witness contended that producers supplying milk of high butterfat content are not paid the full value of this butterfat as measured by the cost of the butterfat to the handler. This results from the disparity between the producer butterfat differential and the class price butterfat differential.

Review of the testimony on this proposal indicates that more thorough study of this problem is needed than can be accomplished on the basis of this record. Reducing the disparity between the producer differential and the class price differential involves the question also of the appropriate level for the class price differential. It is noted that the difference between the two differentials is now less than it has been in recent years. It is concluded that no action should be taken on the matter at this time.

10. *Extent of the marketing area.* No change should be made in the extent of the marketing area.

A witness for handlers testified on a proposal to exclude from the marketing area the area generally south and west of Darby Creek. The testimony indicated that handlers with plants in the City of Philadelphia distribute milk in the area requested to be excluded. This factor must be given consideration in connection with the problem of including both areas in one marketing area. Apparently both areas can be served from the same distributing plants which indicates a competitive situation between the handlers whose plants are located in the two areas.

Further testimony indicated that there is considerable population in the area proposed to be eliminated, and that this population has increased in recent years. Therefore, this area would naturally tend to be a substantial market for handlers operating in the City of Philadelphia. The handlers contended that the cost of milk distribution is greater in this area than in the City of Philadelphia because route salesmen must cover greater distances in order to make the same number of deliveries. The record does not establish this as a fact, nor does it establish that this factor would be relevant to the exclusion of this area from the marketing area. Comparisons made by the witness of the area proposed to be eliminated with other nearby communities not in the marketing area would be just as relevant to the inclusion of these other areas as to the exclusion of that part of the marketing area generally south and west of Darby Creek.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a

sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same maner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 961.1 (a) (6) (i) insert in the list the plant designation: "Philadelphia Dairy Products Company, Inc., Pottstown, Pennsylvania"; and delete the plant designation "Breuninger Dairies, Richlandtown, Pennsylvania."

2. In § 961.3 (e) (1) delete the word "March" and substitute the word "January."

3. In § 961.3 (e) (2) delete the word "April" and substitute the word "February."

4. In § 961.4 (a) (1) delete the proviso: "*And provided further*, That the price shall be at least $5.90 per hundredweight for each of the months of October, November and December 1949, and at least $5.50 per hundredweight for the month of January 1950" and substitute "*And provided further*, that the price shall be at least $5.10 per hundredweight for each of the months of April, May and June 1950."

5. Delete § 961.4 (a) (2) and substitute:

(2) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated as follows by the market administrator:

(i) *Butterfat.* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of fresh sweet cream of bottling quality in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function), divide by the number of quotations, divide by 33.48, multiply by 4 and subtract 26½ cents: *Provided*, That for butterfat established as used in butter, the price shall be 4 times 120 percent of the average of the prices reported daily by the United States Department of Agriculture for Grade A (92-score) butter at New York for the month for which payment is to be made, less 19 cents, but in no event shall this butter value be greater than the butterfat value established otherwise by this subdivision.

(ii) *Skim milk.* Multiply by 7.5 the average of all the prices per pound quoted for nonfat dry milk solids under the designation "roller, other brands, human consumption," carlots, bags or barrels (using midpoint of any range as one quotation), as published for such month in the "Producers' Price Current," and subtract 54 cents in the computation of prices for the months of April, May and June, and 44 cents in other months, except in the computation of prices for March and July 1950, subtract 54 cents.

Filed at Washington, D. C., this 7th day of March 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-1952; Filed, Mar. 9, 1950; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 20, 50]

EXPERIENCE REQUIREMENTS FOR PRIVATE AND COMMERCIAL PILOTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board changes in the experience requirements for the certification of private and commercial pilots as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received prior to April 10, 1950, will be considered by the Board before taking further action on the proposed rules. A copy of such communications will be available after April 12, 1950, for perusal by interested persons at the Dockets Section of the Board, Room 5412, Commerce Building, Washington 25, D. C.

Currently effective Part 20 requires an applicant for a private rating to have had at least 30 solo hours in spinnable aircraft or 20 solo hours in nonspinnable aircraft and an applicant for a commercial rating in gliders to have had at least one hour of flight instruction in recovery from stalls and spins. With respect to the experience requirements for a commercial pilot certificate the regulations do not specify whether the experience shall have been in spinnable or nonspinnable aircraft.

Currently effective Part 50 requires an applicant for an air agency certificate with a primary flying school rating to provide 35 hours of flight time or, if nonspinnable aircraft are used, not less than 25 hours of flight time.

We are proposing to require applicants for a private rating to have had the required flight time in either three-control aircraft instead of spinnable aircraft or in two-control aircraft instead of nonspinnable aircraft, and to require primary flying schools to provide flight time in such aircraft.

A three-control aircraft is one in which separate and independent cockpit primary controls are provided to produce pitching, rolling, and yawing of the aircraft. A two-control aircraft, on the other hand, is one in which a separate and independent cockpit control is provided to produce pitching of the aircraft, and a separate cockpit primary control is provided to produce dependently rolling and yawing of the aircraft.

A further proposal would require an applicant for a commercial pilot rating whose pilot experience has been in two-control aircraft to have at least 3 hours of flight instruction in three-control aircraft or have his certificate appropriately endorsed to authorize him to pilot only two-control aircraft. The proposed flight instruction would include instruction in recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes. This proposal thus clarifies the currently existing ambiguity as to whether a commercial pilot certificate may be issued without a limitation to an applicant whose experience has been primarily in nonspinnable (two-control) aircraft.

Moreover, we are proposing that an applicant for a commercial pilot rating whose experience has been in two-control aircraft but who has had at least 3 hours of certified dual instruction in three-control aircraft, or an applicant limited by his rating to two-control aircraft but who, at the time of applying for removal of this restriction, has had at least 3 hours of certified dual instruction in three-control aircraft shall obtain a certificate from his flight instructor that he is competent to pilot three-control aircraft. This proposal would in our opinion, provide satisfactory evidence that the applicant is qualified to pilot three-control aircraft and would eliminate the necessity of taking the flight check currently required in many instances by the Administrator to insure the applicant's competency.

We are also proposing to require applicants for a commercial glider rating to have one hour of flight instruction in recovery from stalls entered from all normally anticipated flight attitudes in lieu of instruction in spins.

It will be noted that the Board stated, at the time it eliminated spins from the pilot certification requirements, that it believed such elimination would act as an incentive for manufacturers to build and operators of schools to use spin-resistant or spin-proof aircraft. How-

ever, we have recently been informed by certain industry groups that the current certification requirements with respect to type of aircraft are thwarting and destroying that incentive, because an individual who obtains experience only in spin-proof or spin-resistant aircraft receives a pilot certificate restricting him to the piloting of "nonspinnable" aircraft, and that in order to receive an unrestricted certificate he must receive additional flight instruction in "spinnable" aircraft. They state that such a requirement is not realistic, because the real difference between currently operated spinnable and nonspinnable aircraft is not their ability to spin, but is with respect to the independent or dependent method provided to control rolling and yawing of the aircraft. The spinnable aircraft is normally a three-control aircraft; the nonspinnable a two-control aircraft. Accordingly, it is proposed to utilize the terms "three-control" and "two-control" in lieu of the terms "spinnable" and "nonspinnable," respectively.

It is our opinion that the real danger in authorizing a pilot trained in nonspinnable (two-control) aircraft to pilot spinnable (three-control) aircraft lies not in his lack of experience with spins but in his inability to coordinate properly the separate controls normally provided in the spinnable (three-control) aircraft and in the possible overcontrol and abuse of the separate controls. Thus, the transition is basically one from a two-control aircraft to a three-control aircraft rather than from a nonspinanble to a spinnable aircraft. Moreover, we are advised that the manufacturers can modify the currently operated two-control aircraft to provide three controls without destroying their spin-proof or spin-resistant characteristics. Thus, this proposal would permit a pilot trained in such a modified aircraft to receive an unrestricted certificate without, in fact, having flown a so-called "spinnable" aircraft.

For the reasons stated above we believe that the proposed amendments will serve as a further incentive for manufacturers to build and operators of schools to use spin-proof or spin-resistant aircraft.

It is therefore proposed to amend Parts 20 and 50 of the Civil Air Regulations as follows:

1. By amending § 20.25 (a) (1) to read as follows:

(1) In three-control aircraft he shall have at least 30 hours of solo flight time and at least 10 hours of dual instruction time given by a rated flight instructor.

2. By amending § 20.25 (a) (2) to read as follows:

(2) In two-control aircraft he shall have at least 20 hours of solo flight time and at least 7 hours of dual instruction time given by a rated flight instructor.

3. By amending § 20.25 (a) (3) to read as follows:

(3) In either three-control or two-control aircraft he shall have at least 3 hours of solo cross-country flight time which shall include at least one solo flight to a point not less than 50 miles distant from the point of departure with at least 2 full-stop landings at different points along the course.

4. By adding subparagraph (3) to § 20.35 (a) to read as follows:

(3) If an applicant's experience has been in two-control aircraft, he shall have at least 3 hours of certified dual instruction in three-control aircraft or he shall have his airman certificate appropriately endorsed to authorize him to pilot only two-control aircraft. Such flight instruction shall include instruction in recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes, and the flight instructor shall certify that he has found the applicant competent to pilot three-control aircraft.

5. By amending § 20.35 (b) to provide that an applicant for a commercial pilot rating in gliders shall have at least one hour of flight instruction in recovery from stalls entered from all normally anticipated flight attitudes in lieu of flight instruction in spins.

6. By amending § 20.40 (b) to read as follows:

(b) A pilot limited by his rating to two-control aircraft, when applying for removal of this restriction, shall have had at least 30 solo hours, and shall have had at least 3 hours of certified dual instruction in three-control aircraft which shall include instruction in recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes. The applicant's competency to pilot three-control aircraft shall be certified to by a certificated flight instructor.

7. By adding §§ 20.83 and 20.84 to read as follows:

§ 20.83 *Three-control aircraft.* A three-control aircraft is one in which separate and independent cockpit primary controls are provided to produce pitching, rolling, and yawing of the aircraft.

§ 20.84 *Two-control aircraft.* A two-control aircraft is one in which a separate and independent cockpit primary control is provided to produce pitching of the airplane, and a separate cockpit primary control is provided to produce dependently rolling and yawing of the aircraft.

8. By amending § 50.13 (a) to read as follows:

(a) *Primary flying school.* (1) Three-control airplanes—35 hours of flight time.
(2) Two-control airplanes—25 hours of flight time;
(3) Helicopters—35 hours of flight time.
(4) Gliders—8 hours of flight time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216, act of July 1, 1948)

Dated: March 6, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 50-1951; Filed, Mar. 9, 1950; 9:05 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 52]

[Docket No. FDC 55-a]

CANNED MUSHROOMS; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARD OF FILL OF CONTAINER

NOTICE OF HEARING

In the matter of proposals to amend the definition and standard of identity and to adopt a standard of fill of container for canned mushrooms:

A public hearing was held August 18, 1949, after a notice published in the FEDERAL REGISTER of July 15, 1949 (14 F. R. 3922), upon a proposal to amend the definition and standard of identity for canned mushrooms to provide for the use of ascorbic acid in limited amounts as an optional ingredient, but no tentative order has been issued. An application having been received from The Cultivated Mushroom Institute of America, Inc., representatives of a substantial proportion of the interested industry, which states reasonable grounds showing that it should be permitted to adduce evidence on such proposal and on its own proposal to amend the definition and standard of identity for canned mushrooms to restrict the optional ingredients to water and salt, and the Federal Security Administrator having concluded on his own initiative that there may be a need for a standard of fill of container for canned mushrooms, notice is hereby given that in accordance with the provisions of sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C. 341, 371), a public hearing will be held commencing at 10:00 o'clock in the morning of April 10, 1950, in room 5742, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., (1) for the purpose of taking evidence upon proposals to amend the definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR 52.990), insofar as they relate to canned mushrooms: (a) to restrict the optional ingredients to water and salt, and (b) to provide for the use of ascorbic acid in limited amounts as an optional ingredient and to provide for label statement of such optional ingredients; and (2) for the purpose of taking evidence upon a proposal to establish a standard of fill of container for canned mushrooms and label statement of substandard fill:

Canned mushrooms; fill of container; label statement of substandard fill. (a) The standard of fill of container for canned mushrooms is such that in the sizes of containers listed the drained

weight of mushrooms is not less than the following:

Can size			Drained weight mushrooms ounces (avoir.)
Diameter (inches)	Height (inches)	Trade designation	
2⅛ x 2⅛		202 x 204	2
2 11/16 x 2⅝		211 x 212	4
3 x 4		300 x 400	8

Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained mushrooms.

(b) Cans of a size not listed above shall contain a weight of drained mushrooms not less than 56 percent of the water capacity of the container if the water capacity is less than 11.0 ounces avoirdupois, and not less than 59 percent if such water capacity is 11.0 ounces avoirdupois or more. Water capacity of the container is determined by the general method provided in § 10.1 (a) of this chapter.

(c) If canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

Mr. Edward E. Turkel is hereby designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the record of the hearing to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor. Evidence will be restricted to that which is material and relevant to the subject matter of the proposals.

The proposals are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence may require.

Dated: March 3, 1950.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 50-1927; Filed, Mar. 9, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943; 1950, 27th Supp.]

TRI-STATE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MARCH 3, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (6 U. S. C. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $89,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1947; Filed, Mar. 9, 1950; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2755]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American-Grace Airways, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument with respect to the petition filed by the Postmaster General on December 15, 1949 and the motion filed by the Postmaster General on January 9, 1950 in the above-entitled proceeding is assigned to be heard on March 13, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-1932; Filed, Mar. 9, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9433]

ALL AMERICA CABLES AND RADIO, INC., ET AL.

ORDER CONTINUING HEARING

In the matter of All America Cables and Radio, Inc., the Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., regulations and practices for and in connection with acceptance and delivery of overseas and foreign telegraph messages; Docket No. 9433.

The Commission having under consideration a motion filed February 24, 1950, by Counsel for RCA Communications, Inc. ("RCA"), New York, N. Y., party respondent in the above-entitled proceeding, requesting that the hearing now scheduled for March 7, 1950, in Washington, D. C., be continued until April 4, 1950, or such date thereafter as may be convenient for the Hearing Examiner;

It appearing, that good and sufficient cause appears in the motion for the requested continuance; that all parties and Commission Counsel have been served with copies of the motion; that the time within which opposition thereto might have been filed has expired, and no such opposition has been filed; that in the light of the work load of the Hearing Examiner and the probable time required for this hearing, a continuance to Monday, April 3, 1950, will be more convenient for the Hearing Examiner than would Tuesday, April 4, 1950, the date of the requested continuance, or a date thereafter;

Therefore, it is ordered, This 3d day of March 1950 that the motion be, and it is hereby, granted; and the hearing on the above-entitled matter be, and it is hereby, continued to 10:00 o'clock Monday, April 3, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1949; Filed, Mar. 9, 1950; 8:50 a. m.]

[Docket No. 9540]

HENDERSON COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of J. B. McNutt and Merl Saxon, a partnership d/b as Henderson County Broadcasting Company,

Athens, Texas, for modification of license; Docket No. 9540, File No. BML-1343.

The Commission having under consideration a petition filed February 24, 1950, by J. B. McNutt, Jr., and Meri Saxon, a partnership d/b as Henderson County Broadcasting Company, Athens, Texas, requesting an indefinite continuance of the hearing presently scheduled for March 3, 1950, at Washington, D. C., in the proceeding upon the above-entitled application for modification of license;

It is ordered, This 2d day of March 1950 that the petition is granted; and that the hearing in the proceeding upon the above-entitled application is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1950; Filed, Mar. 9, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6274]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

MARCH 6, 1950.

Notice is hereby given that on March 2, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California, and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of promissory notes, from time to time, on or before December 31, 1950, in the aggregate amount of $2,000,000. The notes are proposed to be issued pursuant to a Loan Agreement dated January 16, 1950, between Applicant and the Bank of America National Trust and Savings Association. The proposed notes will bear interest at a rate of 2% per annum, plus a commitment fee of ¼ of 1% on the amount made available and remaining unborrowed. The Loan Agreement further provides that the proposed notes shall not be in amounts of less than $100,000 and shall mature prior to 12 months from date of making, but in no case later than June 30, 1951; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of March, 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1925; Filed, Mar. 9, 1950; 8:47 a. m.]

[Docket No. E-6268]

WISCONSIN MICHIGAN POWER CO.

ORDER POSTPONING HEARING

MARCH 3, 1950.

On February 20, 1950, the Public Service Commission of Wisconsin, intervener herein, filed a request for the postponement for at least 60 days of the hearing heretofore ordered to commence on April 10, 1950.

Wisconsin Michigan Power Company by telegram received March 1, 1950, advised that it was agreeable to the postponement requested by the intervener.

The Commission finds: Good cause exists for granting the request for postponement as hereinafter ordered.

The Commission orders: The hearing in this matter now set to commence on April 10, 1950, be and it is hereby postponed to June 12, 1950, at the same hour and place.

Date of issuance: March 6, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-1924; Filed, Mar. 9, 1950; 8:47 a. m.]

[Docket Nos. G-963, G-1105, G-1241, G-1259, G-1261, G-1273]

COMMONWEALTH NATURAL GAS CORP. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND GRANTING ORAL ARGUMENT

MARCH 2, 1950.

In the matters of Commonwealth Natural Gas Corporation, Docket No. G-963; Piedmont Natural Gas Corporation, Docket No. G-1105; Virginia Gas Transmission Corporation, Docket No. G-1261; Tennessee Gas Transmission Company, Docket No. G-1273; Virginia Natural Gas Company, Docket No. G-1241; Eastern Natural Gas Company, Docket No. G-1259.

On February 21, 1950, Piedmont Natural Gas Corporation filed with the Commission a motion to omit the intermediate decision procedure and on February 24, 1950, both Commonwealth Natural Gas Corporation and Virginia Gas Transmission Corporation moved for the omission of the intermediate decision procedure in the above-consolidated dockets as permitted by § 1.30 (c) of the rules of practice and procedure of the Commission. Objection to the granting of the motions has been made.

The Commission finds:

(1) The hearing in the above consolidated dockets commenced on September 14, 1949, and it appears that certain customers proposed to be served with natural gas must now know whether or not gas is to be made availalbe to them so that they can plan for the future.

(2) Due and timely execution of its functions imperatively and unavoidable requires that the Commission omit the intermediate decision procedure and render final decision in the above-consolidated dockets.

(3) Good cause exists for providing opportunity for the filing of briefs and oral argument before the Commission.

The Commission orders:

(A) The intermediate decision procedure in the above-consolidated dockets be and the same hereby is omitted in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(B) Oral argument be had before the Commission in the said above consolidated dockets on March 15, 1950, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and the parties may file briefs in support of their position on or before March 13, 1950.

Date of issuance: March 3, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-1933; Filed, Mar. 9, 1950; 8:48 a. m.]

[Docket Nos. G-1210, G-1236, G-1248, G-1264, G-1267, G-1277, G-1290, G-1306, G-1311]

TENNESSEE GAS TRANSMISSION CO. ET AL

ORDER CONSOLIDATING PROCEEDINGS

FEBRUARY 28, 1950.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1248; Northeastern Gas Transmission Company, Docket No. G-1267; Transcontinental Gas Pipe Line Corporation, Docket No. G-1277; Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264; New York State Natural Gas Corporation, Docket No. G-1306; Tennessee Gas Transmission Company, Docket No. G-1290; Niagara Mohawk Power Corporation, Docket No. G-1311.

On December 30, 1949, Central New York Power Corporation and New York Power and Light Corporation filed a joint application in Docket No. G-1311 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on February 9, 1950 (15 F. R. 717).

On January 30, 1950, Niagara Mohawk Power Corporation (Applicant) filed an amendment to the joint application substituting itself as Applicant in the proceeding by reason of a consolidation on January 5, 1950, of New York Power and Light Corporation and Buffalo Niagara Electric Corporation into Central New York Power Corporation, which survived the consolidation under the name of Niagara Mohawk Power Corporation.

Applicant proposes to convert to straight natural gas service a portion of its Utica Division presently served by

manufactured gas and all of its distribution area in the Counties of Albany, Columbia, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington, all in New York. Applicant proposes to obtain the required natural gas supply from New York State Natural Gas Corporation (New York State Natural), applicant in Docket No. G-1306, pursuant to an agreement entered into on October 31, 1949, between its predecessors, Central New York Power Corporation and New York Power and Light Corporation, and New York State Natural.

It appears from the application filed on December 19, 1949, in Docket No. G-1306, that New York State Natural proposes to extend and make additions to its present transmission system and to its underground gas storage capacity, and to sell and deliver natural gas to Applicant for resale in the distribution area proposed to be served by Applicant. New York State Natural and Tennessee Gas Transmission Company (Tennessee), applicant in Docket No. G-1248, have entered into contracts under which Tennessee will sell and deliver natural gas to New York State Natural, at points of connection on Tennessee's proposed pipe line, as described in its application in Docket No. G-1248. The latter application is by reference made a part of New York State Natural's application in Docket No. G-1306.

By its order issued January 26, 1950, the Commission consolidated for purpose of hearing the proceedings in Docket Nos. G-1248 and G-1306 with proceedings In the Matters of Northeastern Gas Transmission Company, Docket No. G-1267; Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264; Tennessee Gas Transmission Company, Docket No. G-1290, and that part of the application of Transcontinental Gas Pipe Line Corporation, Docket No. G-1277, requesting a certificate of public convenience and necessity authorizing the construction and operation of facilities designed specifically for service to Northeastern Gas Transmission Company, and fixed March 7, 1950, at 10:00 a. m. (e. s. t.) as time of hearing in the consolidated proceedings in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

The Commission finds: Good cause exists for the application of Niagara Mohawk Power Corporation in Docket No. G-1311 to be consolidated for purpose of hearing with the applications in Docket Nos. G-1248, G-1267, G-1277, G-1210, G-1236, G-1264, G-1306 and G-1290.

The Commission orders: The application of Niagara Mohawk Power Corporation in Docket No. G-1311 be and the same hereby is consolidated for the purpose of hearing with the proceedings in Docket Nos. G-1248, G-1267, G-1277, G-1210, G-1236, G-1264, G-1306, and G-1290 at the time and place fixed by the Commission in the order issued January 26, 1950.

Date of issuance: March 2, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 50-1934; Filed, Mar. 9, 1950; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

FIELD ORGANIZATION

Section III, Field Organization and Final Delegations of Authority, Paragraphs a and b, are amended as follows:

SEC. III. *Field organization and final delegations of authority*—a. *Field organization.* The Commissioner, in administering the PHA, has established a decentralized organization, vesting primary responsibility for operating phases of the program in Field Offices wherever possible. There are twelve Field Offices, each headed by a Field Office Director, who is responsible to the Assistant Commissioner for Field Operations. The Field Office Director is responsible for the administration of PHA activities in his area of jurisdiction and for maintaining all PHA contacts in his area of jurisdiction.

Field Offices are located at the addresses, and have geographical jurisdiction shown in Section II. Numerous project and rental offices and contract managers operate under the direct control of Field Offices. Because of the large number of housing managers' and contract managers' offices located throughout the country, it is impractical to list them here. Any request for information concerning them should be addressed to the appropriate Field Office.

b. *Delegations to Field Office Directors.* Field Office Directors are authorized to exercise the powers delegated in Section III d to project engineers and in Section III e to general housing managers, housing managers, and their assistants, and management aides. In addition, the following powers are delegated to Field Office Directors:

1. To execute licenses, permits, and easements to facilitate the provision of streets, alleys, walks, or other means of ingress and egress and utilities.

2. Pursuant to Public Law 796 (80th Cong.) to execute relinquishments and transfers to educational institutions of contractual and property rights of the United States in and with respect to temporary housing located on land owned by such institutions, or controlled by them and not held by the United States.

3. Pursuant to Public Law 266 (81st Cong.) to execute relinquishments and transfers to states, counties, cities, or other public bodies of contractual and property rights of the United States in and with respect to temporary housing located on land owned or controlled by such public bodies and not held by the United States.

4. Pursuant to the provisions of Public Law 412 (75th Cong.), Public Laws 671, 781, and 849 (76th Cong.), and Public Laws 9, 73, and 353 (77th Cong.), all as amended, with respect to the administration of projects and of the Field Office:

(a) To execute contracts for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services.

(b) To dispose of personal property, including the power to execute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

(c) To order the publication of advertisements, in accordance with General Accounting Office General Regulation No. 109, Revised.

5. To accept, on behalf of the Commissioner, service of process properly issued pursuant to attachment or garnishment proceedings served upon them by a court of competent jurisdiction with respect to any debtor-employee of the Public Housing Administration employed under their jurisdiction, and to execute all necessary and proper documents required therewith.

6. In respect to federally owned projects only, pursuant to the provisions of Public Laws 67 (73d Cong.), 412 (75th Cong.), 671 (76th Cong.), 781 and 849 (excluding Title V thereof) (76th Cong.), and 9, 73, and 353 (77th Cong.), all as amended and supplemented:

(a) To execute or approve contracts and contract changes in any amount with respect to the completion, operation, maintenance or repair of such projects, and, with respect to contracts in which the contracting officer is an official subordinate in rank to the Field Office Director, to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of contract changes in excess of $500 by the head of the department or his duly authorized representative; and to execute documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved.

(b) To consent to the annexation of project property by a political subdivision if necessary to facilitate the extension of adequate public facilities or services, including utilities, to such property.

(c) To authorize the housing in war housing projects of persons employed directly by the PHA, local housing authorities, or other agencies engaged in the operation of public war housing projects.

(d) With respect to contracts in which the contracting officer is an official subordinate in rank to the Field Office Director, to act as representative of the head of the department for the purpose of approving the granting by the contracting officer of the contractor's request for extension of time when the contract permits the waiver by the contracting officer with the approval of the head of the department or his duly authorized representative of the contrac-

tor's failure to notify the Government of the causes of delay within the period of time stated in the contract.

(e) With respect to contracts in which the contracting officer is an official subordinate in rank to the Field Office Director, to act as representative of the head of the department for the purposes of approving the adjustment of any claim in connection with changes in the contract where there has not been compliance with the 10-day limitation stipulated in the contract for asserting such claim but where the claim was asserted by the contractor prior to the date of final settlement of the contract.

(f) To execute leases and amendments thereto to local housing authorities and to other local public agencies, and to execute amendments or extensions of existing leases to private agencies, for management of such projects.

(g) In connection with the provisions of the Administration Fund Agreement with respect to leased housing projects and after the determination by the Commissioner that an event of default has occurred, to sign and transmit notices to banks pursuant to any such Agreement and to draw checks and execute certificates and to transmit the same to banks pursuant to such Agreements.

(h) In connection with low-rent projects:

(1) With the exception of maximum income limits for admission and continued occupancy, to approve statements of management policy and management programs and revisions thereof, including the five-year estimates of average annual rent.

(2) Effective May 1, 1950, to approve annual operating budgets and five-year estimates of average annual expense and revisions thereof.

(i) In connection with war housing projects:

(1) To approve management programs and revisions thereof, excluding eligibility exceptions.

(2) Effective May 1, 1950, to approve project operating budgets and revisions thereof.

(j) To execute leases for commercial facilities.

(k) To renew and extend leases for sites.

(l) In connection with the management of homes conversion projects, in addition to the other applicable powers delegated under paragraph b 6:

(1) To establish, adjust, or revise rentals for dwelling units in homes conversion projects, and also to approve the compromise or settlement of claims for delinquent rent due from tenants or former tenants.

(2) To modify or extend leases, and to terminate leases by agreement with the lessor.

(3) To exercise all rights and privileges of the United States under leases for homes conversion projects.

(4) To approve contracts and contract changes by Contract Managers with respect to the operation, maintenance, or repair of homes conversion projects.

(5) To execute contracts with brokers for representing the PHA in negotiating termination of leases and to approve vouchers in payment of such services preliminary to presentation to certifying officers for certification.

(6) To execute contracts with brokers for operation of homes conversion properties.

7. In respect only to locally owned projects initiated on or before March 1, 1949, pursuant to the United States Housing Act of 1937, as amended, and Title II of Public Law 671 (76th Congress) approved June 28, 1940:

(a) To approve the dedication to the public by local housing authorities, of land for the laying out, construction, maintenance, or widening of streets or alleys within the area of the project.

(b) To execute and issue Equivalent Elimination Notices.

(c) To certify as to the low-rent character of a project.

(d) To execute waivers of the following provisions of loan and annual contributions contracts and other contracts for financial assistance relating to such projects:

(1) The provision which requires that no member, officer, agent, servant, or employee of the local housing authority shall have any interest, direct or indirect, in any contract for property, materials, or services to be acquired by the local housing authority.

(2) The provision which requires that the local housing authority involved shall not enter into any contract for property, materials, or services with any former member of the local housing authority within one year after he shall have ceased to be a member.

(3) The provision that the local housing authority involved will not, during the life of the contract, or while any of the bonds are outstanding, transfer, convey, assign, or in any way encumber the project, provided that this shall be waived only to permit local housing authorities to grant easements in and over the project sites.

(4) The applicable provisions of the General Covenants and Conditions Comprising Part Two of Contract for Financial Assistance and of the Administration Fund Agreement relating to the withdrawal of moneys from the administration fund, only in respect to projects not permanently financed and only to the extent necessary to permit the transfer of moneys from that fund (not in excess of the amount that would otherwise be available at the close of the then current fiscal year for transfer to the debt service fund) to the development fund for payment of approved development costs when it is not possible to defer such payment until the maturity date or scheduled refunding of outstanding temporary loan notes issued for the projects.

(5) The applicable provisions of the General Covenants and Conditions Comprising Part Two of Contract for Financial Assistance and of the Debt Service Fund Agreement only in respect to projects not permanently financed and only to the extent necessary to permit the transfer of moneys from the debt service fund to the development fund in an amount not to exceed that portion of the proceeds of the sale of any temporary loan notes which is obtained for the payment of additional approved development costs and which, with the consent of the PHA, is applied to the payment of interest and/or principal of any outstanding temporary loan notes.

(e) To execute Development Fund Agreements on behalf of the PHA.

(f) To execute Administration Fund Agreements on behalf of the PHA.

(g) To execute Debt Service Fund Agreements on behalf of the PHA.

(h) To execute and issue Contract Award Notices.

(i) To execute and issue Development Progress Certificates.

(j) To execute and issue Occupancy Notices.

(k) To approve the selection of sites.

(l) To authorize the acquisition of sites.

(m) To approve Development Programs.

(n) To authorize the award and to approve the execution of construction contracts and any modification thereof, including change orders.

(o) To approve the deferment of the elimination of unsafe or insanitary dwellings with respect to projects developed by local housing authorities under Public Laws 412 and 671 for a period of one year from the date deferment is granted: *Provided*, That in the locality the ratio of vacant to total dwellings is 3% or less which results in a shortage of decent, safe, or sanitary housing available to families of low income so acute as to force dangerous overcrowding of such families.

8. In respect only to projects initiated after March 1, 1949, pursuant to the United States Housing Act of 1937, as amended:

(a) To execute on behalf of the PHA Preliminary Loan Contracts.

(b) To execute on behalf of the PHA Preliminary Loan Depositary Agreements.

(c) To approve Development Programs.

(d) To approve Cooperation Agreements on behalf of the PHA.

(e) To approve the following contracts: (1) Contracts for land surveys; (2) contracts for title information; (3) contracts for appraisals; (4) contracts for the employment of option negotiators.

(f) To approve negotiating prices in excess of approved appraisals.

(g) To approve appraisals.

(h) To approve the purchases of land by local housing authorities.

9. Pursuant to Title V of the Lanham Act as amended:

(a) To execute extensions of leases of Government-owned land to local bodies.

(b) To approve terminations of such projects when they are no longer needed.

(c) To approve changes in management plans, including fixed operating expenses.

10. In any matters pertaining to the disposition of projects undertaken pursuant to the provisions of Public Laws 849 or 781 (76th Congress), or Public Laws 9, 73, or 353 (77th Congress), all as amended, excluding homes conversion projects:

(a) To execute contracts of sale, removal or demolition, deeds, and transfer documents, other than transfers of jurisdiction without reimbursement to other Federal agencies.

(b) To execute lease cancellations and settlements.

(c) To execute dedications, licenses, permits, and easements.

(d) To execute contracts with brokers, local housing authorities, or others for management or disposition.

(e) To execute contracts for the services of surveyors and appraisers.

(f) To order and execute contracts for advertisements in connection with disposition of housing.

(g) To consent to the annexation of project property by a political subdivision if necessary to facilitate disposition.

Approved: March 3, 1950.

JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 50-1926; Filed, Mar. 9, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24852, Amdt.]

PHOSPHORUS FROM VICTOR, FLA., TO MORRISVILLE, PA.

APPLICATION FOR RELIEF

MARCH 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 981.

Commodities involved: Phosphorus, yellow, tank carloads.

From: Victor, Fla.

To: Morrisville, Pa.

Grounds for relief: Potential competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 981, Supplement 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1937; Filed, Mar. 9, 1950; 8:49 a. m.]

[4th Sec. Application 24916]

SUGAR FROM CHARLESTON, S. C., AND JACKSONVILLE, FLA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

MARCH 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380.

Commodities involved: Sugar, carloads.

From: Charleston, S. C., and Jacksonville, Fla.

To: Memphis, Tenn., and points taking same rates.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 380, Supplement 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1938; Filed, Mar. 9, 1950; 8:49 a. m.]

[4th Sec. Application 24917]

SAFFLOWER SEED OIL FROM BORDER TERRITORY TO THE EAST

APPLICATION FOR RELIEF

MARCH 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Safflower seed oil, tank carloads.

From: Points in North Carolina, southern Virginia, Kentucky and northeastern Tennessee.

To: Points in Trunk Line (including Buffalo-Pittsburgh zone) and New England territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1939; Filed, Mar. 9, 1950; 9:49 a. m.]

[4th Sec. Application 24918]

CAUSTIC SODA TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

MARCH 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of The Akron, Canton & Youngstown Railroad Company and other carriers named in the application.

Commodities involved: Sodium (soda), caustic (sodium hydroxide), in solution, tank carloads.

From: Points in Michigan, Ohio and West Virginia.

To: Cincinnati, Ohio.

Grounds for relief: Competition with water carriers and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1940; Filed, Mar. 9, 1950; 8:49 a. m.]

[4th Sec. Application 24919]

PERLITE ROCK FROM OHIO AND MISSISSIPPI RIVER CROSSINGS TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Perlite rock, carloads.

From: Ohio and Mississippi River crossings, on traffic from beyond.

To: Points in the South and points in Trunk Line territory in Virginia.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supplement 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1941; Filed, Mar. 9, 1950; 8:49 a. m.]

[S. O. 844, Corrected Special Directive 40]

ILLINOIS TERMINAL RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Illinois Terminal Railroad Company is directed:

(1) To furnish weekly to the Gillespie Mine (Little Dog) cars suitable for the loading and transportation of 1,450 tons of 4" x 1¼" or 6" modified grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on the Illinois Terminal Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1965; Filed, Mar. 9, 1950; 8:53 a. m.]

[S. O. 844, Corrected Special Directive 41]

NEW YORK CENTRAL CO.

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, The New York Central Company is directed:

(1) To furnish weekly to the Reliance Mine, Nokomis, Illinois, sufficient cars suitable for the loading and transportation of 475 tons of modified mine run 6" top size locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on The New York Central Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1966; Filed, Mar. 9, 1950; 8:53 a. m.]

[S. O. 844, Corrected Special Directive 42]

ST. LOUIS AND O'FALLON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, The St. Louis and O'Fallon Railway Company is directed:

(1) To furnish weekly to the Black Eagle Mine #2 sufficient cars suitable for the loading and transportation of 475 tons of 6" x 1¼" washed Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on The St. Louis and O'Fallon Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1967; Filed, Mar. 9, 1950; 8:53 a. m.]

[S. O. 844, Corrected Special Directive 43]

GULF, MOBILE AND OHIO RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, The Gulf, Mobile and Ohio Railroad Company is directed:

(1) To furnish weekly to the Virden mine sufficient cars suitable for the loading and transportation of 500 tons of

6" x 1¼" screened Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on The Gulf, Mobile and Ohio Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1968; Filed, Mar. 9, 1950; 8:53 a. m.]

[S. O. 844, Corrected Special Directive 44]

LITCHFIELD AND MADISON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Litchfield and Madison Railway Company is directed:

(1) To furnish weekly to Mine No. 2, Staunton, Illinois, sufficient cars suitable for the loading and transportation of 250 tons of 4" x 1½" washed Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on the Litchfield and Madison Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1969; Filed, Mar. 9, 1950; 8:54 a. m.]

[S. O. 844, Corrected Special Directive 46]

SPRINGFIELD TERMINAL RAILWAY CO. (ILL.)

FURNISHING CARS FOR FUEL COAL FOR WABASH RAILROAD CO.

On March 3, 1950, the Wabash Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, The Springfield Terminal Railway Company (Illinois) is directed:

(1) To furnish weekly to Mine No. 59, Springfield, Illinois, sufficient cars suitable for the loading and transportation of 2,500 tons of modified Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on The Springfield Terminal Railway Company (Illinois) through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1970; Filed, Mar. 9, 1950; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2336]

GEORGIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March 1950.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "Act") by Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company. The applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder, as applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Georgia proposes to issue and sell $15,000,000 principal amount of its First Mortgage Bonds, __% Series, due 1980, to be issued under and secured by Georgia's present indenture dated as of March 1, 1941, as supplemented by indentures dated as of March 1, 1941, December 1, 1947, December 1, 1948, and to be dated as of April 1, 1950. The bonds will be sold pursuant to the competitive bidding requirements of Rule U-50 and for a price to the company of not less than 100% or more than 102¾% of the principal amount thereof, plus accrued interest.

The filing states that Georgia contemplates making expenditures of approximately $93,550,000 during 1950, 1951, and 1952 for the construction or acquisition of property additions to its utility plant. In order to finance, in part, such construction program the company will use the proceeds from the sale of the new bonds and cash on hand and estimated to be received from operations. The company estimates that, based upon the present level of earnings and current expectations of the probable progress of its construction program, approximately $6,000,000 of additional funds will have to be provided by other means before the end of 1950, approximately $18,000,000 more before the end of 1951 and approximately $16,000,000 in addition before the end of 1952. To the extent necessary, Georgia expects to issue additional securities of a type and in an amount not yet determined.

The filing indicates that Georgia has filed an application with the Georgia Public Service Commission, the State Commission of the State in which Georgia is organized and doing business, for approval of the proposed transaction.

The applicant has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than March 20, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Wash-

ington 25, D. C. At any time after 5:30 p. m., e. s. t., on March 20, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1942; Filed, Mar. 9, 1950; 8:49 a. m.]

[File No. 70-2306]

NORTHERN STATES POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March, A. D. 1950.

Northern States Power Company ("Company"), a Minnesota Corporation which is a registered holding company and also a public utility operating company, having filed an application with this Commission pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") with respect to the following transaction:

The Company proposes to acquire from The Minnesota Valley Electric Cooperative ("Seller"), a Minnesota corporation, pursuant to an agreement dated December 10, 1949, certain utility assets consisting principally of the existing electric distribution and street lighting system located in the City of Henderson, Sibley County, Minnesota, including certain rural electric distribution lines extending therefrom into adjacent suburban or rural areas, together with all equipment of and appurtenances to said system, all franchises, permits, contracts, leases, easements and rights-of-way under which any or all of said property is held or operated, and all Seller's electric service contracts (which the Company agrees to assume); but not including any of Seller's cash, accounts receivable for electric energy sold, merchandise and supplies, tools, trucks or other portable equipment. Said agreement further provides that the Company shall assume none of the liabilities of Seller with respect to customers' deposits or refundable customers' advances for construction, if any.

The base purchase price to be paid by the Company is $27,785, subject to adjustments as specified in the agreement of sale.

The purchase of said property is made contingent upon the Company's securing from the City of Henderson an electric distribution franchise and municipal service contracts in form satisfactory to the Company prior to June 30, 1950, the agreed closing date. The parties further agree, at the time of closing, to enter into certain electric service contracts as specified in said agreement of sale.

The Company states that the Henderson distribution and street lighting system is the only urban utility property now owned by the Seller; that the Seller operates primarily for the purpose of furnishing electricity to persons in rural areas not otherwise receiving central station service, and therefore wishes to dispose of said urban facilities; that said facilities serve electric energy at retail to approximately 300 customers in said City of Henderson and adjacent suburban areas and to approximately 10 customers in adjacent rural areas, with total gross operating revenue during the year ended September 1949 of approximately $24,427; that the surrounding territory is already being served by the Company; and that the Company will make effective in Henderson and adjacent areas its standard retail rates for all classes of service which, in the aggregate, will result in annual savings to customers of approximately $1,900 or 7.8%. The Company also states that, upon consummation of the proposed transaction, it will construct a new substation at the Henderson connection, and it anticipates that a substantial additional use will develop in the community as the result of improved service and lower rates.

No fees or commissions will be paid in connection with the transaction, and it is estimated that miscellaneous expenses will not exceed $500.

The Company has requested the Commission to issue its order herein as soon as possible in order that the Company may make commitments for the construction of a substation and other facilities contemplated by the proposed transaction, and to provide in such order that the transaction be carried out within 60 days after June 15, 1950, which is the period provided in the agreement of sale for the final adjustments between the contracting parties.

Said application having been duly filed and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that there is no state commission having jurisdiction over the proposed transaction; and

The application indicating that the proposed accounting entries are to be in the form prescribed in the Uniform System of Accounts of the Federal Power Commission; and

It further appearing that the requirements of Section 10 are satisfied, and that it is appropriate in the public interest and in the interests of investors and consumers to grant the application as requested;

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be and the same hereby is granted, said transaction to be consummated not later than 60 days after June 15, 1950: *Provided, however*, That nothing herein contained shall affect the accounting jurisdiction of any other regulatory body with respect to such transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1885; Filed, Mar. 8, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14379]

JOHANNES F. SPRICK AND MARTHA A. H. SPRICK

In re: Bank account owned by Johannes F. Sprick and Martha A. H. Sprick. F-28-29054.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes F. Sprick and Martha A. H. Sprick, each of whose last known address is 60 Adolph Street, Bad-Eilsen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Fulton Savings Bank, Kings County, 375 Fulton Street, Brooklyn 1, New York, arising out of a savings account, Account Number 122548, entitled "Johannes F. Sprick or Martha A. H. Sprick," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johannes F. Sprick and Martha A. H. Sprick, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1870; Filed, Mar. 7, 1950; 8:50 a. m.]

[Vesting Order 14375]

HIROSHI MURAKOSHI

In re: Cash owned by Hiroshi Murakoshi. D-39-18778-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Murakoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $252.99, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Hiroshi Murakoshi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hiroshi Murakoshi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1954; Filed, Mar. 9, 1950; 8:51 a. m.]

[Vesting Order 14382]

YAMATO SHOKAI, LTD.

In re: Debt owing to Yamato Shokai, Ltd. F-39-5598-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamato Shokai, Ltd., the last known address of which is Yokohama, Japan, is a corporation organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Bank of Taiwan, Ltd., 80 Spring Street, New York 12, New York, arising out of a collection after closing account in the name of The Bank of Taiwan, Ltd., and Yamato Shokai, Ltd., Yokohama, Japan, as their interests may appear, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yamato Shokai, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1918; Filed, Mar. 8, 1950; 8:53 a. m.]

[Vesting Order 14371]

YAJIRO KIKUNAGA

In re: Cash owned by Yajiro Kikunaga also known as Yejiro Kikunaga, as Frank Yeijiro Kikunaga and as Yeziro Kikunaga. D-39-6493-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yajiro Kikunaga also known as Yejiro Kikunaga, as Frank Yeijiro Kikunaga and as Yeziro Kikunaga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $402.05, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Yeziro Kikunaga, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yajiro Kikunaga also known as Yejiro Kikunaga, as Frank Yeijiro Kikunaga and as Yeziro Kikunaga, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1953; Filed, Mar. 9, 1950; 8:51 a. m.]

[Return Order 552]

ELENA AND ALBERTA QUEIROLO

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, consisting of shares of the common and third preferred capital stock of the De Nobili Cigar Company, Long Island

City, New York, together with the cash dividends accrued thereon be returned, subject to any increase resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses. The claimants, the number of shares claimed, the stock certificate numbers and the amount of the dividends are identified below:

Claim No.	Claimant	Shares		Certificate Nos.	Amount
		Common	Preferred		
39845	Elena Queirolo, Genoa, Italy	5		280	$9.34
39846	Alberta Queirolo, Genoa, Italy	5		281	57.49
			10	317	

Notice of Intention to Return published December 23, 1949 (14 F. R. 7700).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1955; Filed, Mar. 9, 1950; 8:51 a. m.]

[Return Order 500, Amdt.]

EDITIONS SALABERT S. A.

Return Order No. 500, dated December 16, 1949, is hereby amended as follows and not otherwise:

By deleting the sum $4,659.23 and substituting therefor the sum $5,285.12 under "Property."

All other provisions of said Return Order No. 500 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1956; Filed, Mar. 9, 1950; 8:52 a. m.]

ALDO RIGHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Aldo Righi, Bologna, Italy; Claim No. 34857; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,254,242; and property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942) relating to United States Patent Application Serial No. 206,693; $300.00 in the Treasury of the United States.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1957; Filed, Mar. 9, 1950; 8:52 a. m.]

HAAKON BUGGE MAHRT GYLDENDAL NORSK FORLAG UNIVERSITETSGATEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Haakon Bugge Mahrt Glydendal Norsk Forlag Universitetsgaten, Oslo, Norway; Claim No. 38021; property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4034 (9 F. R. 13781, November 17, 1944) relating to the work entitled "Nella Tormenta (In Italian)" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $66.41.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1958; Filed, Mar. 9, 1950; 8:52 a. m.]

AFRO AND IMERIO DELL'ONTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Afro Dell'Onte, Lana, Italy; Claim No. 33943; $1,579.35 in the Treasury of the United States.

Imerio Dell'Onte, Fossombrone, Italy; Claim No. 33944; $1,579.35 in the Treasury of the United States.

All right, title, and interest of Afro Dell'Onte and Imerio Dell'Onte, and each of them, in and to the Estate of Augusto Strada, also known as August Strado, deceased.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1959; Filed, Mar. 9, 1950; 8:52 a. m.]

MARGARET BRULL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margaret Brull, Budapest, Hungary, Claim No. 47914; $6,109.29 in the Treasury of the United States; an undivided one-half share of all right, title, interest and claim of Mrs. Piri Katona in and to the Estate of Geza Szasz, deceased.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1960; Filed, Mar. 9, 1950; 8:52 a. m.]

EDITIONS MAX ESCHIG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Editions Max Eschig, 48, rue de Rome, Paris (8eme), France; Claim Nos. 30287, 36711; property to the extent owned by the claimant immediately prior to the vesting

thereof by Vesting Order Nos. 3503 (9 F. R. 6124, June 6, 1944) and 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to works listed as owned by Editions Max Eschig in the vesting orders, including royalties pertaining thereto in the amount of $65,021.24.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1961; Filed, Mar. 9, 1950; 8:52 a. m.]

S. A. FELICE BISLERI & CIA. AND MICHELE BONELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

S. A. Felice Bisleri & Cia., Milan, Italy; Claims Nos. 35925 and 39963; $164,577.18 in the Treasury of the United States; 695 shares of $60 PV common capital stock of Bisleri Company, Inc., a New York corporation. All right, title and interest in and to Trade-Mark No. 177,130 registered in the United States Patent Office on December 11, 1923, together with the good-will appurtenant thereto. All interests and rights created in S. A. Felice Bisleri & Cia. (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 1674, 8 F. R. 10589, June 19, 1943) in and to a formula and process for producing "Ferro-China-Bisleri" contained in a letter of July 17, 1941 and radiograms of August 23, 1941 and October 3, 1941, respectively, addressed to and signed by and between S. A. Felice Bisleri & Cia., Bisleri Company, Inc., Michele Bonelli et al. All interests and rights created in S. A. Felice Bisleri & Cia. (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 1674, 8 F. R. 10589, June 19, 1943) in and to an agreement of November 1936 by and between S. A. Felice Bisleri & Cia. and Bisleri Company, Inc. concerning the manufacture, distribution and marketing of "Ferro-China-Bisleri" and the use of Trade-Mark No. 177,130.

Michele Bonelli, Milan, Italy, Claim No. 35926; $40.00 in the Treasury of the United States; 2 shares of $60 PV common capital stock of Bisleri Company, Inc., a New York corporation. All interests and rights created in Michele Bonelli (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 1674, 8 F. R. 10589, June 19, 1943) in and to a formula and process for producing "Ferro-China-Bisleri" contained in a letter of July 17, 1941 and radiograms of August 23, 1941 and October 3, 1941, respectively, addressed to and signed by and between S. A. Felice Bisleri & Cia, Bisleri Company, Inc., Michele Bonelli, et al.

Executed at Washington, D. C., on March 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1962; Filed, Mar. 9, 1950; 8:52 a. m.]

GIOVANNI TRAVERSO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Giovanni Traverso, Genova Centro, Italy; Claim No. 33663; all right, title, interest and claim of any kind or character whatsoever of Giovanni Traverso in and to the estate of John Bevilacqua, also known as John Bevilaqua, deceased; $7,658.42 in the Treasury of the United States.

Twenty-five (25) shares of Golden Eagle Mines capital stock, par value one (1) cent per share, represented by Certificate No. 92 registered in the name of John Bevilaqua, presently in the custody of the Office of Alien Property, New York, New York.

Two (2) Certificates of Life Membership Class "A" Island Lake Park Country Club issued in the name of John Bevilacqua, presently in the custody of the Office of Alien Property, New York, New York.

Ten (10) shares of Northwest Farmers' Marketing Association common stock, par value $1.00 (one dollar) per share, represented by Certificate No. 18 registered in the name of John Bevilacqua, assigned to the Alien Property Custodian, presently in the custody of the Office of Alien Property, New York, New York.

Three (3) shares of Puget Sound Production Credit Association Class A Stock, par value $5.00 (five dollars) per share, represented by Certificate No. 258 registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 38-8627, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

One-thousand (1,000) shares of Quartz Mountain Gold Mining Company capital stock, par value five (5) cents per share, represented by Certificate No. 45 registered in the name of John Bevelaqua, presently in the custody of the Office of Alien Property, New York, New York.

Two (2) shares of Skagit Valley Telephone Company, Mount Vernon, Washington, capital stock, par value $5.00 (five dollars) per share, represented by Certificate No. 1012 registered in the name of the Alien Property Custodian, Account No. 38-8627, Washington, D. C., presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

One (1) share of United Groceries and Markets, Inc., common stock, no par value, represented by Certificate No. 680 registered in the name of John Bevelaqua, presently in the custody of the Office of Alien Property, New York, New York.

Two hundred and fifty (250) shares of Verona Mining Company capital stock, par value $1.00 (one dollar) per share, represented by Certificate No. 620 registered in the name of John Bevelaqua, presently in the custody of the Office of Alien Property, New York, New York.

Executed at Washington, D. C., on March 2, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1874; Filed, Mar. 7, 1950; 8:50 a. m.]